SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF SANTA BARBARA
SANTA MARIA BRANCH; COOK STREET DIVISION
DEPARTMENT SM-2 HON. RODNEY S. MELVILLE, JUDGE

THE PEOPLE OF THE STATE OF)
CALIFORNIA,)
Plaintiff,)
-vs-) No. 1133603
MICHAEL JOE JACKSON,)
Defendant.)

REPORTER'S TRANSCRIPT OF PROCEEDINGS

WEDNESDAY, MAY 18, 2005

8:30 A.M.

(PAGES 10846 THROUGH 10928)

REPORTED MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304
BY: Official Court Reporter 10846

APPEARANCES OF COUNSEL:

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I N D E X

Note: Mr. Sneddon is listed as “SN” on index.
Mr. Zonen is listed as “Z” on index. Mr. Auchincloss is listed as “A” on index.
Mr. Mesereau is listed as “M” on index. Ms. Yu is listed as “Y” on index.
Mr. Sanger is listed as “SA” on index.

DEFENDANT’S
WITNESSES DIRECT CROSS REDIRECT RECROSS
JACKSON, Simone
Pech 10849-M (Contd.) 10850-Z 10862-M 10863-Z
JACKSON,
Rijo 10865-M 10877-Z 10906-M
JACKSON, Michelle
Henriette 10907-M 10911-Z
ROBINSON, Christian 10916-SA

Santa Maria, California
Wednesday, May 18, 2005
8:30 a.m.

THE COURT: Good morning, everyone.
COUNSEL AT COUNSEL TABLE: (In unison)
Good morning, Your Honor.
THE JURY: (In unison) Good morning.
THE COURT: Counsel?
MR. MESEREAU: Thank you, Your Honor.

SIMONE PECH JACKSON
Having been previously sworn, resumed the
stand and testified further as follows:

DIRECT EXAMINATION (Continued)
BY MR. MESEREAU:
Q. Good morning.
A. Good morning.
Q. Simone, you talked about the incident where
you saw Gavin and Star steel some wine, okay? And
you said that was in March of 2003?
A. Yeah.
Q. Do you know approximately when in March that
was?
A. No, I don't.
MR. MESEREAU: Okay. No further questions.
THE COURT: Cross-examine? 10849

CROSS-EXAMINATION
BY MR. ZONEN:
Q. Miss Jackson, good morning.
A. Good morning.
Q. During the month of February of 2003, how often did you go to Neverland?
A. It was once.
Q. You went once during February?
A. Yes.
Q. And for what period of time?
A. For one day.
Q. And then you left at the end of that day?
A. Yes.
Q. All right. And did you see Gavin and Star on that day?
A. Yes.
Q. Had you ever met them prior to that day?
A. No.
Q. Did you ever see them on any of your other trips to Neverland, prior to February of 2003?
A. Excuse me, what does “prior” mean?
Q. Before. Before 2003.
A. No.
Q. Did you know who they were on the day that you arrived there in February?
A. No.
Q. You had not met them, and you didn’t know who they were? 10850

A. No.
Q. They were just a couple kids who were staying there?
A. Yes.
Q. Did you have an opportunity to talk to them when you were there in February?
A. Yes.
Q. All right. Did you learn where they were from?
A. No.
Q. Did you learn how long they had been staying at Neverland?
A. No.
Q. Did you learn where they had been prior to going to Neverland?
A. No.
Q. Did you know why they were at Neverland?
A. No.
Q. Did you know that they were personal friends of your cousin Michael Jackson?
A. Yes.
Q. Now, Michael Jackson is your cousin, is that right, not your uncle?
A. Yes.
Q. Okay. Did you know how they met Michael Jackson, your cousin?
A. No.
Q. Did you know the extent of their friendship 10851

1 with Michael Jackson?
2 A. No.
3 Q. Now, on that occasion, on the occasion of
4 that birthday party, you were there just for one
5 day; is that right?
6 A. Yes.
7 Q. And then you went home at the end of that
8 day?
9 A. Yes.
10 Q. Did you tell your mother or anybody else
11 anything about Gavin or Star?
12 A. Yes, I did.
13 Q. All right. And who was that who you talked
14 to?
15 A. My mother.
16 Q. All right. Was that something that you told
17 her that you were concerned about Gavin or Star?
18 A. No.
19 Q. What did you tell your mother about Gavin or
20 Star.
21 A. I just told my mother that I met them.
22 Q. That you met the two of them. Did you meet
23 their sister as well?
24 A. Yes.
25 Q. Did you meet their mother as well?
26 A. No.
27 Q. You didn't know their mother; is that right?
28 A. Yes. 10852

Q. You didn't known their parents; is that right?
A. Yes.
Q. Did you wonder why they were at Neverland without their parents?
A. No.
Q. Did you ask either one of them whether they were in school?
A. No.
Q. Did either one of them tell you whether or not they were in school?
A. No.
Q. When was the next time that you saw them?
A. In March.
Q. That was in March sometime?
A. Yes.
Q. Do you remember when in March?
A. No, I don't.
Q. Did you have more than one visit to Neverland in March?
A. Yes.
Q. How many visits did you have to Neverland in March?
A. Two.
Q. Two? And on each of those occasions did you stay overnight?
A. Yes.
Q. For how long did you stay overnight in 10853

March?
A. A total of five days.
Q. You stayed five days in March?
A. Yes.
Q. In total? For both visits or --
A. Both visits.
Q. Both visits total? Does that mean five nights or four nights; do you recall?
A. Five nights.
Q. Five nights in total. Was that during the week?
A. Yes.
Q. All right. Were you in school at that time?
A. Yes.
Q. Did you miss any school while you were staying at Neverland?
A. Yes, I did.
Q. Did you see Gavin and Star the entire time you were there?
A. Yes.
Q. Did you see their mother during that time as well?
A. Yes.
Q. Did you see Davellin during that time as well?
A. Yes.
Q. Did it occur to you that they were there the entire time; in other words, from the time that you 10854

had been there in February, to the time that you came back to Neverland in March?
A. Yes.
Q. All right. And you understood that they were simply staying there for that entire time; is that right?
A. Yes.
Q. All right. Did you wonder whether or not they were going to school?
A. Yes, I did.
Q. Okay. Did you ask any of them whether or not they were going to school?
A. No.
Q. Why not?
A. I just didn't.
Q. Well, did it seem strange to you that they were staying at Neverland for such an extended period of time without going to school?
A. Yes.
Q. Did you talk to your cousin Michael Jackson about why they weren't in school?
A. No.
Q. Did you talk to your cousin Michael Jackson at any time about Gavin or Star?
A. No.
Q. All right. Now, at some point in time, you saw these kids take wine from the kitchen; is that right? 10855

A. Yes.
Q. All right. And Mr. Mesereau called it stealing wine. Did you think they were stealing wine?
A. Yes.
Q. Now, did you think they were stealing wine because they're kids?
A. Yes.
Q. All right. If your mom went to the kitchen, she could take a bottle of wine; is that right?
A. Yes.
Q. It was there for the guests?
A. Yes.
Q. Okay. But you felt it was improper for them to do it because they were 12 years old and 13 years old; is that right?
A. Yes.
Q. Is that correct?
A. Yes.
Q. Okay. So you felt that that was stealing; is that right?
A. Yes.
Q. Now, did you tell somebody immediately when that happened?
A. No, I didn't.
Q. Now, this was one o'clock in the morning; is that right?
A. Yes. 10856

Q. And you were in the kitchen at one o’clock in the morning?
A. Yes.
Q. Was there a video game there?
A. Yes.
Q. Is that what you were doing?
A. Yes.
Q. Was it one of those games that rings and dings as you press the different buttons?
A. Yes.
Q. And was it doing that at the time that you were there?
A. No, it wasn’t.
Q. Why wasn’t it?
A. Because I wasn’t playing it. I was watching them.
Q. You were sitting there watching them?
A. Yes.
Q. All right. Did you at any time tell them that you were there?
A. They saw me after. After they left they saw --
Q. And why didn’t you greet them as soon as they walked in the door?
A. I don’t know.
Q. Were you already angry at them?
A. No.
Q. Okay. Did you tell anybody afterward? 10857

A. Yes.
Q. Okay. Who did you tell?
A. My mother.
Q. All right. Did you tell Michael Jackson, your cousin?
A. No.
Q. All right. At any time while you were there at Neverland, did you go talk to Michael Jackson, your cousin?
A. No.
Q. Did you ever spend the night in Michael Jackson's room?
A. Yes.
Q. Okay. By yourself?
A. Yes.
Q. Did you ever spend a night in his room in his bed with him?
A. Yes.
Q. By yourself?
A. Yes.
Q. All right. How old were you when you did that?
A. I was about eight or nine.
Q. Eight or nine. Have you done it since age eight or nine?
A. No.
Q. Why not?
A. I don't know. 10858

Q. Were you invited to come back into his room?
A. Yes.
Q. Were you invited to come back into his bed?
A. Yes.
Q. By Michael Jackson?
A. Yes.
Q. So he offered you his bed to share with him?
A. Yes.
Q. When was the most recent time he did that?
A. When I was 14.
Q. When you were 14 years old. So he invited you to come sleep with him in his bed by yourself?
A. With my brother.
Q. Okay. The question that I had asked you is whether or not you had been invited to sleep in his bed by yourself.
A. Oh, no.
Q. Had you been?
A. No.
Q. At any time since age eight?
A. No.
Q. Okay. Was your brother sleeping in his bed with you?
A. Yes.
Q. Okay. And when he invited you and your brother to come back when you were 14 years old to sleep in his bed, did your brother go sleep in his bed? 10859

A. Yes.
Q. Where did you sleep?
A. I slept with them.
Q. You slept in the bed?
A. Yes.
Q. So you were 14 years old?
A. Yes.
Q. And you and your brother and Michael Jackson --
A. Yes.
Q. -- in his bed?
A. Yes.
Q. Okay. Now, why did you do that? Why didn't you sleep in the guest cottage?
A. I don't know.
Q. You mentioned that when you went into the house or would go into the house that you would have to knock on the door to get in; is that right?
A. Yes.
Q. Was that just at night or was it during the day as well?
A. During the day.
Q. So that door was kept locked all the time; is that correct?
A. Yes.
Q. So all the time that Janet Arvizo was there, the doors to the main house were locked; is that right? 10860

A. Yes.
Q. All right. And they were not opened at night and kept locked just during the day. They were locked all the time?
A. Yes.
Q. All right. Now, when you would go to knock on the door, who was it who would come to the door to let you in?
A. One of the chefs.
Q. Were the chefs there 24 hours a day?
A. No.
Q. So the chefs would not be there at the nighttime; is that right?
A. Yes.
Q. Would there be somebody standing by the door to let you in if you wanted to knock and come in late at night?
A. No.
Q. So you would simply not be able to gain access to the main house at night if you were not already in there; is that right?
A. Yes.
Q. Unless you got a security guard to let you in?
A. Yes.
MR. ZONEN: Thank you. I have no further questions.
10861

REDIRECT EXAMINATION
BY MR. MESEREAU:
Q. Simone, did the Arvizo children ever tell you that they had gotten homework from school --
A. No.
Q. -- that they could do? Did Janet ever tell you?
MR. ZONEN: Objection; exceeds the scope of the -- withdrawn. Withdrawn.
Q. BY MR. MESEREAU: Did Janet Arvizo ever tell you she had gone to the school and gotten homework sent to the kids?
MR. ZONEN: Objection; leading.
MR. MESEREAU: I think they opened it.
MR. ZONEN: Well, it's still leading.
THE COURT: Sustained. "I think they opened it" is a good response. "They opened it, Your Honor."
MR. MESEREAU: I'm at the door.
(Laughter.)
THE COURT: Oh, the door. Go ahead.
Q. BY MR. MESEREAU: All right. Was it your impression that Janet Arvizo could enter the main house when she wanted to?
A. Yes.
MR. ZONEN: Objection. Speculative and leading.
THE COURT: Overruled. The answer is, "Yes."
Next question. 10862

Q. BY MR. MESEREAU: Did you ever see Janet Arvizo enter the main house?
A. No.
Q. You did see Gavin and Star in the main house from time to time, right?
A. Yes.
Q. And did you know whether or not they seemed to have pass codes to get into the house?
MR. ZONEN: I'll object as leading.
THE COURT: Overruled.
You may answer.
Q. BY MR. MESEREAU: Did you know either way?
A. No.
MR. MESEREAU: No further questions.

RECROSS-EXAMINATION
BY MR. ZONEN:
Q. Miss Jackson, did you have a pass code to get into the house?
A. No.
Q. Nobody ever told you what the pass code was?
A. No.
Q. Did you have a pass code to get into your cousin's bed?
A. No.
Q. Nobody ever told you that code?
A. No.
MR. ZONEN: No further questions. 10863

MR. MESEREAU: No further questions, Your Honor.
THE COURT: Thank you. You may step down.
MR. MESEREAU: Defense will call Rijo Jackson.
THE COURT: I just wanted to -- I've just been informed that the Police Department Honor Guard is going to be shooting some rounds today, so I don't want anybody to panic. They didn't want me to panic, so I'm going to share with you what they just told me.
MR. SANGER: Do we know where they're going to be shooting? That might be --
THE COURT: I've given them some -- no.
(Laughter.)
THE COURT: Come forward to the witness stand here, please. Remain standing. Face the clerk here, and raise your right hand.

RIJO VALDES JACKSON
Having been sworn, testified as follows:

THE WITNESS: I do.
THE CLERK: Please be seated. State and spell your name for the record.
THE WITNESS: Rijo Valdes Jackson. R-i-j-o; V-a-l-d-e-s; J-a-c-k-s-o-n.
THE CLERK: Thank you. 10864

1 DIRECT EXAMINATION
2 BY MR. MESEREAU:
3 Q. Good morning.
4 A. Good morning.
5 Q. Mr. Jackson, do you know the fellow seated
6 at counsel table to my right?
7 A. Yeah.
8 Q. Who is that?
9 A. Michael Jackson.
10 Q. And are you related to him?
11 A. (Nods head up and down.)
12 Q. How are you related to Michael Jackson?
13 A. Cous -- cousin.
14 Q. Okay. And where is your home?
15 A. At Lompoc.
16 Q. Okay. And is Simone your sister?
17 A. Yes.
18 Q. Okay. Have you ever been to Neverland?
19 A. Yes.
20 Q. You've been there a lot?
21 A. Yes.
22 Q. Okay. And what do you like to do at
23 Neverland?
24 A. Play games and have fun.
25 Q. And what -- how do you have fun at
26 Neverland?
27 A. Like, watch movies. Go to the rides, and go
28 ride his motorcycles and -- 10865

Q. Have a good time?
A. Yeah.
Q. Okay. How do you get to Neverland when you go?
A. You go through Santa Ynez, I think.
Q. Does somebody pick you up?
A. Yes. My mom.
Q. Okay. And does she go there with you a lot?
A. Yes.
Q. Does your mom take you home?
A. Yes.
Q. And sometimes does your cousin Michael have somebody pick you up?
A. Yes.
Q. Okay. And, Rijo, have your met anyone named Gavin Arvizo?
A. Yes.
Q. And have you ever met someone named Star Arvizo?
A. Yes.
Q. Okay. Where did you meet Gavin and Star?
A. At Neverland.
Q. Okay. And was that in the year 2003; do you know?
A. Yes.
Q. Okay. Now, where did you meet them?
A. Like right -- when we first walked in, we seen them in the kitchen. 10866

Q. Okay. And what did you see them doing in the kitchen?
A. They were just playing games and having fun.
Q. Okay. And there were games in the kitchen area, right?
A. Yes.
Q. What kind of games?
A. Like, the one -- it's like on a television that you touch, and, like, a touch-screen game.
Q. And you play that game, too?
A. Yeah.
Q. Okay. Did you spend time at Neverland with Gavin and Star?
A. Yes.
Q. And what did you used to do there with Gavin and Star?
A. We used to go on the rides, watch movies, go to the zoo, and play games, and that's all.
Q. Okay. Now, do you remember staying at Neverland with Gavin and Star?
A. Yeah.
Q. And where did you stay?
A. In the unit.
Q. Okay. Is that a guest unit?
A. Yeah.
Q. Okay. And were you staying in the same room with Gavin and Star?
A. Yes. For one night I was. 10867

Q. Pardon me?
A. For one night.
Q. Okay. Did you spend that night with Gavin and Star?
A. Yes.
Q. Okay. Was that -- did they sleep in the guest unit?
A. Yes.
Q. Okay. Is that where you slept?
A. Yes.
Q. Okay. Now, what did you see Gavin and Star do in the guest unit, Rijo?
A. I saw them go to the T.V. and turn to a channel that had, like, naked girls on there, and doing other stuff, like nasty stuff.
Q. What nasty stuff?
A. They were, like, jacking off and everything.
Q. Okay. Did they do that in front of you?
A. (Nods head up and down.)
Q. Was Michael Jackson anywhere near that room?
A. No.
Q. Okay. What did you do when you saw Gavin and Star jacking off?
A. I told my sister and she told me to go to Michael's room.
Q. And did you run to Michael's room when you saw that?
A. (Nods head up and down.) 10868

Q. Did Gavin and Star stay in the guest unit?
A. Yeah.
Q. Did Gavin and Star say anything to you when they did the nasty stuff?
A. The other day they did. They said, “Why don’t you do that with me?”
Q. And what did you say to them?
A. I said I didn’t want to because it was nasty, and it’s wrong.
Q. Now, when you ran to Michael’s room, did you leave them in the guest unit?
A. Yeah.
Q. Okay. Did you ever spend another night with Gavin and Star?
A. No.
Q. Okay. Did you ever see Gavin and Star with any wine at Neverland?
A. No, I seen them take it, but --
Q. Where did you see them take it?
A. In Michael’s room.
Q. And what did you see them do?
A. I seen them take it upstairs and then that’s all. And then, like, a few moments later I seen them run out the door.
Q. With wine?
A. No. They were just running out the door.
Q. Okay.
A. Real quickly. 10869

Q. So you saw them in Michael's room, right?
A. Uh-huh.
Q. And you saw them grab some of Michael's wine?
A. Yeah, because he ordered some, and then they -- then the chef brought it in, and Star and Gavin said, "We'll take it upstairs for him."
And so I seen them do that for -- like, ten minutes later they came downstairs and ran out the door.
Q. Did Michael ever see them with the wine?
A. Huh-uh.
Q. Where was Michael at that time; do you know?
A. He was in his studio or the bathroom.
Q. Okay. So Michael never saw them steal the wine?
A. Huh-uh.
Q. Did you see them actually drink the wine?
A. No.
Q. You have to say "yes" or "no," Rijo.
A. No.
Q. Okay. But you saw them run out with it?
A. Yes.
Q. Which way did they run with the wine?
A. I don't know. I seen them go out the door.
That's all.
Q. And Michael wasn't there?
A. He wasn't there. 10870

Q. So he didn't see them take the wine?
A. No.
Q. Did you ever observe Gavin and Star in the house?
A. Can you repeat it?
Q. Yeah. Sure. I'm sorry. I'm probably not using the right word.
Did you ever watch what Gavin and Star were doing in the main house?
A. They were just running around the house doing, like, what they do, like, playing.
Q. When you say like they do, what do you mean, Rijo?
A. Like, play with each other, like, tag and --
Q. Did you ever see them looking through drawers?
A. Yes.
Q. And what do you mean?
A. Like, in the kitchen, they had like -- like -- they took some money, and, like, that was the chef's money and stuff.
Q. Now, what money are you referring to?
A. Like, in the kitchen there's all kinds of drawers. And then we seen them go in the -- Jesus' office after they went into the kitchen and seen them take some stuff.
Q. What stuff did you see them take?
A. They had, like, little crystals. We seen 10871

them take crystals and money, and that was all they took. We seen them.
Q. Now, where did you see Gavin and Star take money?
A. In Jesus' office.
Q. Okay. And what did you see them do? Did they go into a drawer?
A. Yeah.
Q. Were you watching them?
A. No.
Q. Okay.
A. I was in the kitchen.
Q. How do you know they took money?
A. Because we seen them run out with it.
Q. Run out with money?
A. Yeah.
Q. Okay. Did they have money in their hands?
A. Yes.
Q. And were they running out of Jesus' office?
A. Yes.
Q. You have to say "yes," Rijo.
A. And they ran out the door.
Q. Okay. I don't think you answered that other question. You have to say "yes" or "no," okay? Because this court reporter is writing down what you say.
Now, you saw them run out with the money?
A. Yes. 10872

Q. Okay. And what direction did they go?
A. They went to the outside.
Q. Okay. And was the money in their hands?
A. Yes.
Q. Okay. Did you see them take anything
besides money?
A. No.
Q. Okay. Now, you mentioned crystals. Now,
what were you talking about when you said crystals?
A. They're like little plastic crystals. They
look like little crystals. They took them.
Q. Gavin and Star took them?
A. Yeah.
Q. And where did they get the crystals?
A. From Jesus' office.
Q. Okay. Now, you said they were looking
through drawers in the kitchen; is that right?
A. Yeah.
Q. You have to say "yes" or "no."
A. Yes.
Q. All right. Now, when did you see them
looking through drawers in the kitchen?
A. Like earlier before they went through Jesus'
office drawers.
Q. And did you see Gavin and Star take anything
from the drawers in the kitchen?
A. Not really. I see them take, like, a deck
of cards and that's all. 10873

Q. You said “cards”?
A. Yeah.
Q. What do you mean by “cards,” Rijo?
A. Like playing cards.
Q. You saw them take them out of the kitchen?
A. Yeah.
Q. Now, you said something about chef’s money.
What did you mean?
A. Like, his money that he -- that he worked
for and everything.
Q. This was the chef?
A. Yeah.
Q. Do you know what the chef’s name was?
A. I think it was Angel or Rudy.
Q. And where did you see them take Angel’s
money?
A. Outside.
Q. Okay. They took it outside the house?
A. Yeah.
Q. Did you see them actually take it from the
kitchen?
A. Yes.
Q. Explain what you saw when they took the
money.
A. I seen them have some green paper in their
hand, so -- you know, I seen them run outside, so --
Q. And, Rijo, how did you know it was Angel’s
money? 10874

A. Because the -- the cook, he doesn't really,
like, keep his stuff -- he keeps his stuff in there,
but that's all where he puts it.
Q. That's in a drawer?
A. Yeah.
Q. Was Angel there at the time?
A. No.
Q. Okay.
A. Nobody was there at the time.
Q. Okay. Did you ever hear Gavin or Star talk
about the money they'd taken?
A. No.
Q. Okay. Now, you say you saw Gavin and Star
steal wine, right?
A. Uh-huh.
Q. Did you ever actually watch them drink it?
A. No.
Q. Okay. Have you ever gone to the store
Toys-R-Us?
A. Yes.
Q. And who did you go to the store Toys-R-Us
with?
A. With Michael and Star and Gavin and his
friend -- Michael's friends that he picked up.
Q. Okay. And are these people he met --
A. Yes.
Q. -- on the road?
Michael just picked them up and took them 10875

1 with him?
2 A. No, he had met them before.
3 Q. Okay. Were they fans?
4 A. Yes.
5 Q. Okay. And what did you do at the store
6 Toys-R-Us?
7 A. He took us to buy stuff, like just go around
8 and play.
9 Q. And were Gavin and Star there the whole time
10 with you?
11 A. Yes.
12 Q. Did you play?
13 A. Yes.
14 Q. What did you do when you played?
15 A. Like, we got the balls and played with them,
16 toss back and forth. Rode the bikes. And that was
17 it.
18 Q. And then did Michael take you back to
19 Neverland?
20 A. Yeah.
21 Q. Okay. And were these fans that Michael
22 picked up and took with you to the store, were they
23 girls?
24 A. Boys and girls.
25 Q. Boys and girls. Okay. How many were there,
26 do you think?
27 A. I'm not sure.
28 Q. Okay. And if you remember, Rijo, what time 10876

of day was that when you went to Toys-R-Us?
A. It was at night.
Q. At night? Okay.
Have you ever spoken to Janet Arvizo, the
mother of Gavin and Star?
A. Not really. I only seen -- I seen her once
and that was it.
MR. MESEREAU: Okay. No further questions.

CROSS-EXAMINATION
BY MR. ZONEN:
Q. Rijo, good morning.
A. Good morning.
Q. In February of 2003, how often did you go to
Neverland?
A. A lot.
Q. A lot? Does that mean like every week?
A. No, not every week. Like once every two
weeks, I think.
Q. And when you went to Neverland every two
weeks, did you go with your sister?
A. Yes.
Q. And your sister was there the entire time?
A. Yes.
Q. How long did you stay each time you went to
Neverland in February?
A. A day or we spent the night sometimes.
Q. A day or you spent the night? 10877

A. Yeah.
Q. Could you have spent the night on both times you went?
A. No. Because we had school probably.
Q. So you weren't missing school while you were going to Neverland?
A. Can you re -- what?
Q. In February of 2003. Do you remember that clearly, in February of 2003? It's over two years ago. Do you remember it fairly clearly now?
A. A little bit. A little bit.
Q. A little bit? Do you remember going to Neverland on more than one occasion?
A. Yes.
Q. And when you went to Neverland, did you go simply with your sister?
A. Yes.
Q. Did you do that more than one time in February?
A. Yeah.
Q. Okay. Did your mother ever go with you to Neverland?
A. Yes, she did.
Q. Did your father ever go with you to Neverland?
A. No.
Q. In March, did you go back to Neverland?
A. Yes. 10878

Q. Do you know how many times you went to Neverland in March?
A. No.
Q. Could you have gone to Neverland as much as five days in March?
A. Yeah.
Q. On all of the occasions that you went to Neverland in February and in March, were Gavin and Star there?
A. No.
Q. Was it always on the weekends when you went to Neverland?
A. No.
Q. Well, if you didn't go to Neverland on the weekends, would that have meant that you missed school on some days?
A. Like once.
Q. Just one time?
A. I --
Q. Do you remember when that was that you missed school to go to Neverland?
A. No.
Q. Did you spend some time talking to Gavin and Star while you were at Neverland?
A. Yeah.
Q. Did you learn that Gavin and Star had been staying at Neverland the entire time that you were visiting? 10879

A. No.
Q. That they were at Neverland for the entirety, just about, of February and for quite a bit of March as well?
A. No.
Q. Did you think that they were simply coming at the same time that you were coming and then going back?
A. What?
Q. Did you ask them how long they had been staying there?
A. No.
Q. Did you ask them if they were going to school?
A. No.
Q. Did you ever talk to your cousin Michael about Gavin and Star?
A. We didn't bring -- we didn't bring their name up in our conversations.
Q. Rijo, I'm sorry, I can't hear you. You're going to have to say that --
A. We didn't bring their names up in conversations.
Q. You never brought their names up in conversations with your cousin Michael?
A. Not really.
Q. Did you have conversations with Michael during the time that Gavin and Star were there? 10880

A. Yeah.
Q. Did you tell Michael that they were
stealing?
A. No.
Q. Why didn't you tell him?
A. Because he wasn't around.
Q. All right. But you just said you had
conversations with Michael.
A. Yeah, that was after.
Q. All right. You didn't have any
conversations with Michael at any time during
February or March?
A. No.
Q. No conversations with him at all?
A. Because we didn't see him.
Q. You did not see your cousin Michael at any
time during all of February or March, not once?
A. Can you -- what? Can you repeat that?
Q. Did you see your cousin Michael at any time
during the month of February of 2003?
A. Yes.
Q. During the time that you saw your cousin
Michael, did you ever talk with him about Gavin and
Star?
A. What? You're talking too fast.
Q. I'm sorry. I'll slow down.
(Laughter.)
MR. ZONEN: There's a court reporter here 10881

1 who would agree with you.
2 Q. At some time during February, did you see
3 your cousin Michael?
4 A. Yes.
5 Q. Okay. Did you talk with your cousin Michael
6 during the month of February?
7 A. Yes.
8 Q. Did you talk with your cousin Michael about
9 Gavin and Star during the month of February?
10 A. No.
11 Q. Why not?
12 A. Because we didn't -- because we didn't have
13 nothing to say about them.
14 Q. Does that mean that nothing happened in the
15 month of February with Gavin and Star?
16 A. No, it did, but, like, we didn't talk about
17 them.
18 Q. Well, weren't you concerned about their
19 behavior?
20 A. Not really.
21 Q. You weren't concerned about it?
22 A. I was, but I tried to tell -- I forgot about
23 it.
24 Q. You forgot about it?
25 A. (Nods head up and down.)
26 Q. He was stealing, and you forgot about that?
27 A. Yeah.
28 Q. So you didn't tell Michael anything about 10882

Gavin or Star?
A. (Shakes head from side to side.)
Q. At any time of the month of February?
A. Because he had to go -- like someone --
during the day he had to go to, like, the studios,
and then he had to go, like, L.A. and everything.
Q. So you never had a chance to talk with him
at all?
A. We did, but, like, after our chance to talk
to him, he went to L.A., and so he came back and
then that was it.
Q. Did you tell your cousin Michael about what
Gavin and Star were doing in the bedroom?
A. (Shakes head from side to side.)
Q. No?
A. I was scared, no, so --
Q. Did you tell your cousin Michael about the
television and the fact that they were watching
something bad on television?
A. No.
Q. Now, that television is in a guest room; is
that right?
A. Yes.
Q. Do you know if they were using a video or a
DVD?
A. No, they weren't.
Q. Do you think they were using regular
television? 10883

A. Yes.
Q. And then you said they were jerking off; is that right?
A. Yes.
Q. Do you know what that means?
A. Yeah, like putting your hand, like, on your private and then just moving it.
Q. And were they both standing at the time?
A. They were in bed.
Q. They were in bed. And they were covered with blankets?
A. (Nods head up and down.)
Q. You could tell what they were doing?
A. (Nods head up and down.)
Q. Were they in separate beds?
A. Yes.
Q. How many beds were in the room?
A. Three.
Q. Three beds in the room. So usually there's two beds in that room; is that right?
A. Uh-huh.
Q. Did they bring another bed into the room for you?
A. Yes.
Q. Okay. And then after that happened, you left the room; is that right?
A. Yes.
Q. And you went to your sister? 10884

A. Yes.
Q. And your sister said, “Go to Michael’s room”?
A. (Nods head up and down.)
Q. Did you go to Michael rooms?
A. (Nods head up and down.)
Q. Was Michael there?
A. (Nods head up and down.)
Q. And did you tell him what happened?
A. No.
Q. You didn’t tell him what happened.
All right. Do you remember being interviewed by an investigator for your cousin Michael?
A. Yes.
Q. Do you remember telling him that you went to your sister, and your sister said, “Go back to your room”?
A. (Nods head up and down.)
Q. And is that true, that you went back to your room?
A. Yes, and then I went to Michael’s room to get my stuff.
Q. All right. So you went to your sister’s room and then you went to Michael’s room?
A. Yes.
Q. Afterward. Okay. But you told the investigator that you went back to your room and you 10885

never went to Michael's room; is that true?
A. (Shakes head from side to side.)
Q. No?
A. (Shakes head from side to side.)
Q. So did you go to Michael's room?
A. Yes -- no, first I went to my sister's room and then I went back to my room, and then I went to Michael's room.
Q. Now, when you went to Michael's room, I think you said Michael was there at that time?
A. (Nods head up and down.)
Q. Is that "yes"?
A. Yes.
Q. Okay. And you told Michael what had happened in the bedroom; is that right?
A. I told him a little bit. And then he left to the bathroom.
Q. And he left for the bathroom?
A. Yeah.
Q. When you told him a little bit, did you tell him -- among the little bit that you told him, did you tell him that they watched something bad on television?
A. Yes.
Q. And you told him that they watched something that had naked women --
A. Yes.
Q. -- on television? 10886

A. And then -- yes.
Q. And did it also have naked men?
A. No.
Q. Just naked women?
A. Yes.
Q. Okay. What did Michael say to you when you told him that they were watching something with naked women on television?
A. He didn't believe it.
Q. He didn't believe it?
A. Because, like, he thought -- he thought they were cool, and he didn't think they would do that.
Q. I'm sorry, I can't hear you. Say it again.
A. He thought they were good, and they wouldn't do that.
Q. Did you tell him about what they were doing inside the bed?
A. No.
Q. You didn't tell him that? How come you didn't tell him that?
A. Because I didn't want to, like, tell him, because I was scared.
Q. Did you spend that night in bed with your cousin Michael?
A. Yes.
Q. Okay. Did you do that often, share a bed with your cousin Michael?
A. Yes. 10887

Q. Did you tell your cousin Michael about the fact that they were stealing money?
A. No.
Q. Why not?
A. Because he was gone.
Q. I'm sorry?
A. He was gone. We tried to tell a maid or something like that.
Q. Did you tell --
A. But they were gone. It was at night.
Q. Did -- did you see your cousin Michael again after the boys were stealing money?
A. No, I only seen him, like, once, like, a day. Because he was gone most of the time.
Q. You said he was stealing money from Jesus' office; is that right?
A. No, the kitchen.
Q. In the kitchen?
A. Yes.
Q. Did you also say that he was stealing something from Jesus?
A. Yes.
Q. And you said he was stealing money from Jesus?
A. Jesus' office.
Q. Jesus' office?
A. Yes.
Q. And were you there at the time? 10888

A. I was in the kitchen.
Q. Is Jesus' office in the kitchen?
A. It's near the kitchen.
Q. Okay. Were you in the office at the time you saw them steal?
A. No.
Q. Okay. Was Jesus there that day?
A. No.
Q. Was he there the next day?
A. No.
Q. All right. Did you tell anybody the next day?
A. No.
Q. Why not?
A. Because I don't -- I forgot.
Q. You forgot to tell somebody?
A. (Nods head up and down.)
Q. When did you remember it?
A. Like -- I don't know.
Q. You said that he stold some plastic crystals, little plastic crystals?
A. Yes.
Q. Explain what those are for me.
A. Like little -- you know how crystals look, they're little plastic things. They're, like, shiny, and that's all they are. They're, like, shiny balls, like crystals.
Q. And where were they from? 10889

A. From Jesus' office in his drawer.
Q. And that was inside his office?
A. Yes.
Q. And you were inside his office at the time?
A. I was at the kitchen.
Q. Were you able to see inside his office at the time from where you were in the kitchen?
A. When they got out, I seen them with some stuff, like I can see them juggling, like, crystals and stuff.
Q. Did you know what they were, the crystals?
A. (Nods head up and down.)
Q. And you were able to get them; is that right? You were able to see them?
A. Yeah.
Q. And when did you seen them before?
A. Just then. And then Michael showed me what they were, and so --
Q. Michael showed you?
A. So I knew what they were.
Q. Because --
A. Because he had some in his room.
Q. Because your cousin Michael had showed them to you once before?
A. Yes.
Q. And then you saw the boys take them?
A. (Nods head up and down.)
Q. Do you know if they returned them? 10890

A. No.
Q. How do you know? You don't know if they did or didn't?
A. I don't --
Q. So they might have returned them?
A. Yeah.
Q. Might have been just been playing with them?
A. (Nods head up and down.)
Q. Did you tell anybody about them taking the crystals?
A. (Shakes head from side to side.)
Q. Was that the same time they took the deck of cards?
A. Yes.
Q. Were the deck -- was the deck of cards there for people to play with?
A. Yes.
Q. So they took it, and were they then playing with the deck of cards?
A. Yes.
Q. Did you play with them with the deck of cards, too?
A. No.
Q. The time that you went to Toys-R-Us, was Gavin and Star with you?
A. Yes.
Q. And you say that Michael stopped and picked up some other kids? 10891

A. Some other people.
Q. Some other people. How old were they?
A. Like around his age, like twenties,
thirties.
Q. Like whose age?
A. Like twenties or thirties.
Q. Oh, they were older?
A. Yeah.
Q. So they weren't kids?
A. No.
Q. They were adults?
A. Yes.
Q. Okay. And where were they?
A. They were like around his gate in the front
entrance.
Q. And you said, "like his age." Do you mean
your cousin Michael?
A. (Nods head up and down.)
Q. Do you know how old your cousin Michael is?
A. 40.
Q. 40?
A. I think.
Q. Do you remember when it happened that they
were looking at the television show? Do you
remember if that was in March or in February?
A. No.
Q. Do you remember if it was right before they
left? 10892

A. No, I don’t remember.
Q. Did you ever talk with Michael about any of these incidences, other than conversation you told us about, them looking at the show?
A. No.
Q. Did you ever tell your mother about it?
A. Yes. And then she called Chris Carter.
Q. You said that you saw them walk out with green paper?
A. Uh-huh.
Q. This was from the chef’s money?
A. Yes.
Q. Did you actually see that it was green paper or money?
A. It was green, it was like -- it looked like green money -- it looked like money, so --
Q. You didn’t see them take it; is that right?
A. Yeah, I seen them take it in their hand.
Q. Did you ever report any of this to anybody at Neverland?
A. No.
Q. Did you know Jesus Salas?
A. No.
Q. Did you know Chris Carter?
A. Oh, I knew Jesus, yeah. I knew Jesus and Chris Carter.
Q. You thought it was Jesus’ money that was stolen; is that right? 10893

A. Yeah.
Q. Did you ever tell him?
A. And the chef's money.
Q. You thought it was the chef's money?
A. Yeah. Or -- I don't know whose money it was.
Q. But didn't you think there was something stolen from Jesus Salas as well?
A. Yeah.
Q. Did you tell Jesus Salas about that?
A. No, because I didn't see him.
Q. Did you ever tell the chef about that?
A. No.
Q. Now, you said that he took some wine that had been ordered by Michael?
A. Yeah.
Q. Is that right?
A. Yes.
Q. All right. Were you up in his room when it was ordered by Michael?
A. I was downstairs in his room.
Q. You were downstairs in his room. And where was Michael at the time it was ordered?
A. He was upstairs, and then he ordered it, because I could hear him upstairs, and then he went to the bathroom, and he told the cook that -- to bring it upstairs, but Gavin and Star answered the door. 10894

Q. Okay. So he brought it into the room while
Gavin was there, and while Star was there, and while
you were there; is that right?
A. Yeah.
Q. Okay. And he ordered it while you were
there, and while Gavin was there, and while Star was
there?
A. Yes.
Q. Okay. And you expected that he would
bring -- that they would bring wine to the room
while you were there; is that right?
A. Yes.
Q. And your cousin Michael knew that you were
there, and Gavin was there, and Star was there; is
that right?
A. Yes.
Q. So you're telling us that as soon as they
delivered it, Gavin and Star grabbed the wine and
left?
A. They grabbed the wine from the door, and
then they took it upstairs, and then like a few
minutes later, I don't know how many, but they came
downstairs and ran out the door.
Q. So they took the wine?
A. Yes.
Q. And they went upstairs?
A. Yes.
Q. And upstairs is where your cousin Michael's 10895

bed is; is that right?
A. Yes.
Q. All right. So they were upstairs with your cousin Michael and with the wine?
A. No, Michael was downstairs.
Q. All right. Michael was downstairs when the wine was delivered?
A. Yes.
Q. So Michael saw that the wine was delivered?
A. No. He was in the bathroom.
Q. He was in the bathroom when the wine was delivered?
A. Yes.
Q. All right. So they took the wine upstairs to the bedroom; is that right?
A. Yes.
Q. And your cousin Michael stayed in the bathroom?
A. No, because he ordered it, and then he said, "I'll be right back, because I'm going to go to the bathroom."
And so the cook brang -- he took it to the door, and then Gavin and Star took it upstairs while Michael was in the bathroom.
Q. Okay.
A. And then like a couple minutes later, they took it outside. Or they -- they -- they ran outside with no -- with no wine. 10896

Q. They ran outside what?
A. With no wine.
Q. I didn't hear that last word.
A. No wine.
Q. Oh. They did take the wine outside?
A. No, they didn't.
Q. So the kids left the wine in the room?
A. Yes.
Q. All right. So they didn't take the wine?
A. Michael's -- they took it upstairs.
Q. We're going to start from the beginning a little bit, because this is my doing, not yours. This is not your problem, this is my problem, all right? I'm having a little hard time understanding this. So let's see if we can just start at the beginning and make it clear.
Michael ordered wine to be delivered to the room?
A. Yes.
Q. At the time he ordered the wine, you were there, Gavin was there, and Star was there?
A. Yes.
Q. Michael then said, "I'm going into the bathroom"?
A. Yes.
Q. He went into the bathroom knowing that wine was going to be delivered to the room?
A. Yes. 10897

Q. He knew the three of you were in the room;
is that right?
A. Uh-huh.
Q. The wine was delivered while the three of
you were in the room?
A. Yes.
Q. What time was it?
A. It was nighttime.
Q. How late at night?
A. I don't remember.
Q. It's -- I'm sorry, go ahead.
A. What?
Q. I asked you if you knew how late it was at
night. Do you know?
A. No.
Q. It's true, isn't it, that when you stay with
your cousin Michael, sometimes you stay up all
night, don't you?
A. Yes.
Q. Because he likes to stay up all night?
A. Yes.
Q. It's fun to be with him all night long,
isn't it?
A. Yes.
Q. Because you do things all night long.
A. Uh-huh.
Q. So when that wine was delivered, it could
have been very, very late at night, couldn't it? 10898

A. Yes.
Q. Well past the time you normally go to bed;
no?
A. I think, yeah.
Q. Do you remember if it was well past the time
you normally go to bed when this wine was delivered?
A. It was, yes, I think.
Q. Do you remember who it was who delivered the
wine? Was it somebody you knew?
A. It was Angel.
Q. It was Angel who brought it. Angel Vivanco?
A. Yeah.
Q. Did he bring it with glasses?
A. Yeah, he brang it with one glass and a
bottle.
Q. Just one glass? And when it came in, the
wine and the glass, did Angel put it down in the
room?
A. Yeah.
Q. And when he put it down, was Star and Gavin
in the room?
A. Yes.
Q. And you were in the room?
A. I was downstairs, so --
Q. So Star and Gavin were upstairs?
A. Yes.
Q. But when Angel brought it in, he brought it
in downstairs, didn’t he? 10899

A. (Nods head up and down.)
Q. “Yes”?
A. Yes.
Q. You have to answer out loud, if you would.
A. Yes.
Q. Did Angel then take the bottle of wine upstairs?
A. No, he set it downstairs and then Star and Gavin took it upstairs.
Q. Okay. And was Michael in the bathroom downstairs or the bathroom upstairs?
A. Downstairs.
Q. He was downstairs in the bathroom?
A. (Nods head up and down.)
Q. Did you tell Michael when he was in the bathroom that the wine had been delivered?
A. Yes.
Q. You told him it had been delivered, okay, and what did he say?
A. He said, “Okay. I’ll be right there.”
Q. Okay. And meanwhile, Gavin and Star were upstairs; is that right?
A. Yes, and then they left.
Q. With the bottle, with a bottle of wine?
A. Yes.
Q. Was the wine open or closed?
A. It was closed.
Q. Do you remember if it was a bottle of red 10900

wine or a bottle of white wine?
A. White wine.
Q. Do you know if there was a bottle opener with it?
A. I don't -- I think so, but I don't know.
Q. You're not certain?
A. I'm not sure.
Q. But you remember it was definitely closed at the time?
A. Yes.
Q. So nobody had uncorked the bottle; is that right?
A. Right.
Q. Okay. Now, while you were there on the first floor, did Gavin and Star then come back downstairs?
A. Yes.
Q. Okay. And is it true that if you are upstairs in the bedroom in your cousin Michael's suite, that you can't leave from there without going downstairs; is that right?
A. Ri -- what do you mean?
Q. If you were upstairs in the bedroom, you have to come downstairs before you can leave the suite?
A. Yeah.
Q. So they would have had to have come back downstairs to have left the suite? 10901

A. Yes.
Q. And did they come downstairs?
A. Yes.
Q. And did they come downstairs with the bottle of wine?
A. No.
Q. All right. Where was the bottle of wine?
A. It was upstairs for Michael.
Q. They left it upstairs?
A. Yes, because he was going back up to his room.
Q. So Gavin and Star came downstairs?
A. Yes.
Q. The bottle of wine stayed upstairs, and Gavin and Star then left?
A. Uh-huh.
Q. Okay. Then Michael Jackson came out of the bathroom?
A. Yes.
Q. And Gavin and Star were gone?
A. Yes.
Q. Okay. Did you then go upstairs with your cousin Michael?
A. Yes.
Q. Did you spend the rest of the night with your cousin Michael --
A. Yes.
Q. -- upstairs? 10902

1 Was the wine still there?
2 A. Yes.
3 Q. Okay. Was it still corked, still closed?
4 A. I don't know.
5 Q. Well, was it already open when you got
6 upstairs?
7 A. Yes.
8 Q. I'm sorry?
9 A. Yes.
10 Q. So it was already opened. And was it
11 finished?
12 A. No.
13 Q. So was there some missing?
14 A. Yes.
15 Q. So they were the only two who were upstairs;
16 is that right?
17 A. Yes.
18 Q. So they took the bottle of wine, they opened
19 it and they had a drink; is that right?
20 A. I -- I'm not sure if they drank it or not.
21 Q. Well, some was missing, right?
22 A. Yes.
23 Q. So they either drank it or they poured it
24 out; is that right?
25 A. Yes.
26 Q. Now, did you talk with Michael about that?
27 A. No, because I wasn't sure that they drank it
28 or not. Because -- 10903

Q. You weren't sure that they drank it?
A. Yes.
Q. Well, was anybody else up there?
A. No.
Q. Did Michael seem upset that there was some wine missing from the bottle?
A. No.
Q. Did he ask you about why wine was missing from the bottle?
A. No.
Q. Did he know that the only other two people who were there were Gavin and Star?
A. Yes.
Q. Okay. And did he say something to you about, "Boy, those rascals, they just get into the wine whenever they can"?
A. No.
Q. He didn't say anything like that?
A. Huh-uh.
Q. Did you tell him that the boys had taken the bottle of wine upstairs?
A. Yes.
Q. Did you tell Michael that? And did you tell him that when they took it upstairs the bottle was sealed?
A. Yes.
Q. Okay. Did your cousin Michael seem upset about that, that it was opened? 10904

A. (Shakes head from side to side.)
Q. He thought it was okay?
A. Yeah.
Q. And --
A. Because he might have thought that the cook opened it for him.
Q. He might have thought that?
A. Yeah.
Q. But you told him that it was closed when it was delivered; no?
A. No.
Q. And even if the cook had opened it, would the cook drink some of that bottle of wine?
A. No.
Q. So it was probably the boys who drank the wine, right?
A. Yes.
Q. That's probably what your cousin Michael thought, right?
A. Yes.
Q. But you didn't have a discussion with him about that?
A. No.
Q. You didn't -- now, when you were up there with that bottle of wine, was that before or after that incident that took place in the guest room with the television and the naked lady on the television?
A. It was after -- I don't remember. 10905

Q. You're not sure?
A. No.
Q. Was it before or after you had seen the boys stealing money?
A. It was -- it was after, I think.
Q. You think it was after that?
Okay. So you were with Michael Jackson that entire night; is that right?
A. Yes.
Q. And during that time, did you tell your cousin Michael that the boys had stolen money?
A. No.
Q. Was there a reason you didn't?
A. No.
MR. ZONEN: I have no further questions.

REDIRECT EXAMINATION
BY MR. MESEREAU:
Q. Rijo, at the time that you saw the Arvizos run out of Michael's room before he came out of the bathroom, you were nine years old; is that right? Were you ten?
A. I think I was ten.
MR. MESEREAU: No further questions.
MR. ZONEN: I have no questions.
THE COURT: All right. Thank you. You may step down.
Call your next witness. 10906

MR. MESEREAU: Yes, Your Honor, the defense will call Michelle Jackson.
THE COURT: Please remain standing, face the clerk here and raise your right hand.

MICHELLE HENRIETTE JACKSON
Having been sworn, testified as follows:

THE WITNESS: I do.
THE CLERK: Please be seated. State and spell your name for the record.
THE WITNESS: Michelle Jackson.
M-i-c-h-e-l-l-e. Henriette is my middle name, H-e-n-r-i-e-t-t-e. Jackson, J-a-c-k-s-o-n.
THE CLERK: Thank you.

DIRECT EXAMINATION
BY MR. MESEREAU:
Q. Good morning, Miss Jackson.
A. Hi.
Q. Miss Jackson, do you know the fellow seated at counsel table to my right?
A. Yes, I do.
Q. Who is he?
A. He’s my nephew, Michael.
Q. Okay. And -- excuse me. Pardon me. Do you know Simone Jackson?
A. Yes, she’s my granddaughter. 10907

Q. Do you know Rijo Jackson?
A. Yeah, he’s my grandson.
Q. Okay. And have you ever been to Neverland Ranch?
A. Yes, I have.
Q. Been there many times?
A. Yes, I have.
Q. Okay. And where is your home?
A. My home is in Lompoc.
Q. Okay. Do you recall ever meeting Janet Arvizo?
A. Pardon?
Q. Do you recall ever meeting Janet Arvizo?
A. I have never met.
Q. Do you recall meeting the Arvizo family at Neverland?
A. I have met the children.
Q. Okay. Who did you meet? Did you meet Gavin?
A. I have met Davellin, and I have met Gavin, and I have met Star.
Q. Okay. And do you know approximately when you met them?
A. During the time that the children was there. It was around the time that Prince was supposed to have a birthday party sometime.
Q. Would this be 2003, do you think?
A. Yeah. 10908

Q. Okay. Do you know approximately what month?
A. February.
Q. February or March? Okay. Okay. And did you attend the party for Prince?
A. No.
Q. Okay. Did you ever talk to Gavin about a trip to Brazil?
A. Yes, I have.
Q. And did Gavin say anything to you about a trip to Brazil?
A. I was introduced to the children by my granddaughter. She introduced me to Davellin first. Then Gavin came in the kitchen, and she introduced me to Gavin. And she told me they were waiting there for going on a trip. And I asked --
MR. ZONEN: I'm going to object to a commentary from her as hearsay.
THE COURT: Sustained.
Q. BY MR. MESEREAU: Who told you about a trip?
A. Simone.
Q. Did you ever talk to Gavin about this trip?
A. Yes.
Q. What did Gavin say?
MR. ZONEN: Objection; hearsay.
THE COURT: Overruled.
You may answer.
THE WITNESS: Gavin told me, "We don't want to go to Brazil. This is my mother who wants to go. 10909

1 We want to stay here."
2 MR. ZONEN: I'm going to object as to
3 multiple hearsay.
4 THE COURT: Sustained.
5 MR. ZONEN: Motion to strike.
6 THE COURT: I'll strike the last sentence.
7 Q. BY MR. MESEREAU: Did Gavin tell you why
8 they were planning to go to Brazil?
9 A. He told me his mother wanted to go.
10 MR. ZONEN: Objection. Move to strike;
11 hearsay.
12 THE COURT: Stricken.
13 Q. BY MR. MESEREAU: Did you ever talk to
14 Davellin about Brazil?
15 A. No.
16 Q. Okay. Now, your granddaughter is Simone; is
17 that correct?
18 A. Yes.
19 Q. And was Simone there when you spoke to Gavin
20 about the Brazil trip?
21 A. Yes.
22 Q. Okay. And did you ask Gavin whether or not
23 his mother wanted to go to Brazil?
24 MR. ZONEN: I'm -- objection.
25 THE COURT: Sustained.
26 MR. MESEREAU: No further questions.
27 //
28 // 10910

1 CROSS-EXAMINATION
2 BY MR. ZONEN:
3 Q. Miss Jackson, good morning.
4 A. Hi.
5 Q. When was that that you were at Neverland and
6 had that conversation with Gavin?
7 A. Around February, March. I'm not exactly
8 the -- I don't know -- I don't remember exactly the
9 dates.
10 Q. Did you go to Neverland on a number of
11 occasions during February and March?
12 A. Yes, I have.
13 Q. On all the occasions that you went to
14 Neverland during February and March, did you see
15 either Gavin or Star?
16 A. This is the only time that I was talking
17 about just before now that I saw the children when I
18 was introduced to them.
19 Q. You have no recollection of ever seeing
20 those children on any other occasion at Neverland?
21 A. No, sir.
22 Q. And you went to Neverland on how many
23 occasions during February and March?
24 A. Maybe three, four times. Maybe more.
25 Q. Maybe more?
26 A. Yeah.
27 Q. When you went on those occasions, did you
28 spend the night there? 10911

A. No.
Q. You would only go during the day and then leave?
A. Yes, I would go and check on my grandchildren.
Q. You would accompany your grandchildren when they went?
A. No. I would go from work to the ranch, to check on my grandchildren to see if they had baseball practice.
Q. You would check on -- you would go to the ranch to see if your grandchildren were there?
A. Yes.
Q. Because sometimes they had baseball practice?
A. Right.
Q. And you would have to pick them up at the ranch to take them to --
A. And take them to Lompoc to practice.
Q. Did you know before going to ranch whether or not your grandchildren had baseball practice or not?
A. No. No, I can’t keep up with everything with my grandchildren, you know.
Q. So you would have to go to the ranch --
A. Right, from work.
Q. One of the problems is that my question has to finish before you start your answer, or we make 10912

the court reporter crazy.
A. Sorry.
Q. Okay? So if you can just wait till the question's done and then you can answer.
Did you know in advance of going to the ranch whether or not the kids had practice?
A. Sometimes.
Q. Sometimes. Okay. And how did you know when they were at the ranch?
A. I knew everything that my grandchildren do.
Q. So somebody told you in advance; is that right?
A. No.
Q. Do they live with you, your grandchildren?
A. Sometime.
Q. Did you know that they were at the ranch because they were living with you at the time they went to the ranch?
A. No, it's because I do a lot of driving. My daughter can't do a lot of driving. I do all the driving for her and I drive the children a lot of place.
Q. Okay. She can't drive because she works?
A. No, because she had injury in the neck.
Q. All right. So you do all the driving to get the kids around?
A. Yes, sir.
Q. All right. Now, on only one occasion did 10913

1 you meet Gavin?
2 A. Yes.
3 Q. And you never met his brother Star?
4 A. Yes, I did. The same day.
5 Q. The same day. Did you meet their sister
6 Davellin?
7 A. Yes, I did.
8 Q. Did you meet their mother Janet?
9 A. No.
10 Q. Do you know if she was there?
11 A. I didn't know. I didn't ask.
12 Q. Did you talk to any of them about why they
13 were there?
14 A. No.
15 Q. Was it during the week?
16 A. Yeah.
17 Q. All right. So the kids were in school at
18 the time; is that right?
19 A. I don't know about them. I know my
20 grandchildren was in school.
21 Q. Okay. Did you know at the time that you
22 talked to Gavin how long he had been at Neverland?
23 A. No, sir.
24 Q. Did you ever talk to Gavin about how long he
25 was going to stay at Neverland?
26 A. No.
27 Q. Okay. When Gavin talked about a trip to
28 Brazil, did you understand that that was going to be 10914

1 your cousin Michael Jackson sending them to Brazil?
2 A. I didn't even question. It didn't even dawn
3 on me to ask the question how they were going.
4 Q. Did you ever have a conversation with
5 Michael Jackson about the family?
6 A. No.
7 Q. About Gavin and Star --
8 A. No.
9 Q. -- and Davellin.
10 I have no further questions.
11 MR. MESEREAU: No further questions, Your
12 Honor.
13 THE COURT: Thank you. You may step down.
14 MR. SANGER: We call Christian Robinson,
15 Your Honor.
16 THE COURT: Come forward, please. When you
17 get to the witness stand, please remain standing.
18 Face the clerk and raise your right hand.
19
20 CHRISTIAN ROBINSON
21 Having been sworn, testified as follows:
22
23 THE WITNESS: I do.
24 THE CLERK: Please be seated. State and
25 spell your name for the record.
26 THE WITNESS: Christian Robinson.
27 C-h-r-i-s-t-i-a-n, R-o-b-i-n-s-o-n.
28 THE CLERK: Thank you. 10915

DIRECT EXAMINATION
BY MR. SANGER:
Q. Take your time. I'll let you get a drink of water there.
A. Thank you.
Q. And while you're getting it, I'll just tell you we have to tell all the witnesses to please use the microphone on the right side. And then you have to really lean into it to get very close to it; okay. There you go.
A. All right.
Q. Mr. Robinson, how are you employed?
A. I'm self-employed. I develop reality television shows. And work a camera. I do a lot of post-production.
Q. All right. So you said reality shows, work a camera and post-production; is that right?
A. Correct.
Q. And do you know Mr. Jackson, who's seated here at counsel table?
A. I do.
Q. Do you know him well?
A. Not extremely well, no.
Q. Have you met him in the course of your work?
A. Yes.
Q. All right. Do you know him socially? Do you hang out with him?
A. No.

Q. All right. Now, are you here pursuant to a subpoena?
A. Yes, sir.
Q. Let me ask you to explain a little bit about your background. How long have you been working in the film industry?
A. I do a lot of things. I've only been doing reality shows for about a year now. In the past, we published film-related publications, and we sort of run a trade organization in Denver and Salt Lake, so it's all related. And I've always done video work, so....
Q. All right.
A. How long, was that the question?
Q. Well, how long -- I said "film industry," but, you know, the -- whatever you call it.
A. Television or videography, about eight years.
Q. All right. Good. Now, during that eight-year period of time, you indicated that you also worked a camera. Can you tell us what you mean by that?
A. Operate a camera, a video camera. All kinds.
Q. Is this something that you do professionally?
A. Yes, sir.
Q. All right. So somebody would hire you to be 10917

the videographer or the person running the camera to do some sort of filming; is that right?
A. Yes. In the past, that's correct.
Q. All right. And then you said you're also involved in post-production. What do you mean by "post-production"?
A. I take a project and shoot it, and then I edit for the network or for the production company who's presenting the piece.
Q. Okay. Very good. You were not involved in the reality television projects as of 2003; is that right? Is that something that happened after that?
A. I always had the dream of making films. Reality television is sort of like rock bottom. So I'm young, so that's what I have to do.
Q. But the question is -- you said the last year. So I want to know what you were doing in 2003. By 2003, you hadn't started the reality television?
A. Well, I was working for Mr. Jackson. That wasn't exactly reality. That was more of a documentary type of position. I was in charge of like -- not "in charge," but one of my responsibilities was sometimes booking crews and making sure that we were covering the right steps. Sort of like a producer.
Q. You say you were working for Mr. Jackson. Let's go back. When is the first time you 10918

worked for Mr. Jackson or somebody associated with Mr. Jackson?
A. Wow. That would have been in September of 2001.
Q. Okay. And what project was it that you were working on?
A. It was the Michael Jackson charity single, "What More Can I Give?"
Q. And what was the production "What More Can I Give?"
A. What was the production?
Q. Yes. You said it was a charity single. Can you explain that, please?
A. It was a combination of different artists recording a song that Michael wrote. Really nice song.
And what I would do is -- my background was in radio. At the time I had still done a lot of video work, but mostly my job on that was to ask questions. I would interview all the different artists.
Q. So the artists participated in --
A. In recording --
Q. -- in recording the song?
A. In recording the song.
Q. You've got to let me finish first, and I'll try to let you finish.
A. Gotcha. 10919

Q. Because the court reporter tries to write down what we say here.
So we'll just take it here so everybody understands. "What More Can I Give?" was a song, that was the title of a song, right?
A. Correct.
Q. And I think you said it was written by Mr. Jackson; is that correct?
A. I believe so.
Q. Okay. And there were a number of recording artists who participated in putting that song together; is that correct?
A. True.
Q. Can you recall some of the artists?
A. Celine Dion, Mariah Carey, Tom Petty, Billy Gilman, The Backstreet Boys. Well, Nick Carter, Nsync. Maya. Luther Vandross. We must have interviewed like 40 people.
Q. That was -- before we get to the interview part, as far as the singing part is concerned, and the performing --
A. Right.
Q. -- did these people actually perform in the song?
A. Correct.
Q. So they'd come to a studio; is that right?
A. We would usually travel to them, but in a studio, yes. 10920

Q. All right. And then they would perform, they'd record whatever they were doing, right?
A. Right.
Q. Did they all record it at the same time or was --
A. No, no. Everybody recorded separately.
Q. All right. Now, you said something about interviewing the people.
A. Right.
Q. Your job was to do the interviews; is that right?
A. My job -- one of my responsibilities was to do the interviews.
Q. And did you, in fact, interview various people?
A. I interviewed all of the people, yes.
Q. So Celine Dion, for instance, you would be asking her questions and she would respond?
A. Right.
Q. And the idea was to use this footage to help put this together for charity; is that right?
MR. AUCHINCLOSS: Objection; relevancy.
THE COURT: Overruled.
You may answer.
THE WITNESS: Yes.
Q. BY MR. SANGER: All right. Now, did that project come to a conclusion? Was it finished and marketed? 10921

A. It did come to a conclusion. But not the conclusion that we had hoped.
Q. All right. It got interrupted at some point; is that correct?
A. I believe so. I didn't deal with the business side of it.
Q. All right. Now, who did you work with on that project?
A. I worked with Marc Schaffel and Hamid Moslehi.
Q. All right. Were there other people on the crew for that?
A. Yes.
Q. About how many people were involved in that project?
A. Let's see. We had myself and Hamid, and we had two grips who helped us carry things and set up lights, and we had a sound guy, Marc. Marc.
Q. Now, what was Mr. Schaffel's role in this, as far as you could tell?
A. He was like the per -- he was the person who was orchestrating the whole thing, you know, besides Michael. Michael wasn't always on scene, so Marc was arranging the artists and the times and the places, and, you know, getting the most important things done, you know.
Q. Now, when you say "Michael," we have to use last names in court so.... 10922

A. Oh. Mr. Jackson, yeah.
Q. Mr. Jackson, or Michael Jackson was the person who was there during some of the creative process; is that correct?
A. Right. Michael would come into the studio occasionally and produce, which is, you know, obviously one of his fortes, so --
Q. So he would, on occasion, be there when the artists were actually recording?
A. Not all the time, but, yes.
Q. Okay. And he'd sit at one those big things that has all those switches on it?
A. Right, it's called a board.
Q. Okay, the board. And would he interact on an artistic level with people?
A. Yes. Yes.
Q. All right. Now, what was Hamid Moslehi's -- I know I'm mispronouncing that, but Hamid Moslehi's job, what was that?
A. Hamid was what I would call a director of photography. He took -- he not only was in charge of the main video camera, but he would also do a session of still photographs every day.
Q. All right. Now, after -- after this occurred -- this, you said, was September of 2001, is your best recollection?
A. Well, it -- it began before 9-11 and we didn't finish until November, so -- 10923

Q. All right. Now, after that, did you have occasion to work on any projects that involved Mr. Jackson?
A. Yes.
Q. And what was the next thing?
A. The next thing? Probably would have been a trip to Gary, Indiana.
Q. When was that?
A. No, it would have been a trip to Las Vegas, and I don't know when it was.
Q. Okay. Now, were you doing this -- were you working under Marc Schaffel?
A. Yes.
Q. So --
A. Well, I was working with Marc.
Q. With Marc. Okay, sorry. Don't want to misconstrue the hierarchy here. But you were working with Marc Schaffel on these various projects; is that right?
A. Correct.
Q. All right. Now, did you have occasion at some point to work on a project involving Debbie Rowe?
A. Yes, sir.
Q. What was your role in the Debbie Rowe project?
A. Oh, I was prepared to ask her the questions, and I wrote questions, but I did not end up asking 10924

the questions, so I ran a camera on the shoot.
Q. Okay. Who asked the questions in that situation?
A. That was Ian Drew.
Q. Okay. And Ian Drew was a reporter of some sort?
A. Yeah, he was a freelance reporter, a tabloid reporter.
Q. Now, you -- actually what you did on that occasion, you were present in the room during the -- during the interview; is that right?
A. Yes.
Q. And you had a camera?
A. Yes.
Q. Did you actually take some of the footage?
A. Yes.
Q. Do you recall how much footage was actually taken? When you say “footage,” I guess that hearkens back to film. But how long was the video that came out of that?
A. The raw tape was probably between one hour and an hour and a half, I would guess.
Q. Okay. That was the part you did?
A. Well, there was two cameras, but, yes. Yes.
Q. Okay. Now, on that occasion, do you know whether or not there was a script? Was there a script?
A. No, sir. 10925

Q. Okay. And you know what a script is; is
that correct?
A. Yes.
Q. Okay. Were there questions that were
written out in advance?
A. Of course.
Q. And you wrote some of those questions; is
that correct?
A. Right.
Q. Now, in your experience, you indicated you
had experience doing interviews in “What More Can I
Give?” and you also were prepared to do an interview
here. Have you had occasion to do other interviews?
A. Other interviews?
Q. Yeah. Without going into who or what, but
just have you done other interviews for film?
A. Yes. Yes.
Q. Okay. Now, as an interviewer for something
like this, where you’re interviewing Celine Dion for
“What More Can I Give?” or you’re interviewing
Debbie Rowe, would it be customary for the person
asking the questions to have a list of questions to
ask?
A. Yes.
Q. Okay. You smiled a bit. Would it be
unusual for somebody to just walk in there and try
to wing it without a list of questions?
A. Yeah, that would not be proper. 10926

Q. Okay. And is it appropriate to have a list of questions that attempt to cover the subject matter, that is, the subject matter of the video? In other words, do you just put random questions together or do you give some thought to it?
A. Before you -- can I answer this?
Q. Yes.
A. Before you do a project, you have to have some sort of vision of what is going to come from that project. So of course you have questions that shape the outcome.
Q. All right. Now, when you watched the Debbie Rowe interview, you were there for it. You were running a camera. Were Miss Rowe's -- I'm sorry. Let me try that again.
You were there for the interview. Were Miss Rowe's responses scripted?
A. No.
MR. AUCHINCLOSS: Objection; foundation.
THE COURT: Overruled. The answer is, "No."
We'll take our break.
(Recess taken.)
--o0o--

REPORTER'S CERTIFICATE

THE PEOPLE OF THE STATE)
OF CALIFORNIA,)
Plaintiff,)
-vs-) No. 1133603
MICHAEL JOE JACKSON,)
Defendant.)

I, MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304, Official Court Reporter, do hereby certify:

That the foregoing pages 10849 through 10927 contain a true and correct transcript of the proceedings had in the within and above-entitled matter as by me taken down in shorthand writing at said proceedings on May 18, 2005, and thereafter reduced to typewriting by computer-aided transcription under my direction.

DATED: Santa Maria, California, May 18, 2005.

MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304

SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF SANTA BARBARA
SANTA MARIA BRANCH; COOK STREET DIVISION
DEPARTMENT SM-2 HON. RODNEY S. MELVILLE, JUDGE

THE PEOPLE OF THE STATE OF)
CALIFORNIA,)
Plaintiff,)
-vs-) No. 1133603
MICHAEL JOE JACKSON,)
Defendant.)

REPORTER'S TRANSCRIPT OF PROCEEDINGS

WEDNESDAY, MAY 18, 2005

8:30 A.M.

(PAGES 10929 THROUGH 11104)

REPORTED MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304
BY: Official Court Reporter 10929

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I N D E X

Note: Mr. Sneddon is listed as “SN” on index.
Mr. Zonen is listed as “Z” on index. Mr. Auchincloss is listed as “A” on index.
Mr. Mesereau is listed as “M” on index. Ms. Yu is listed as “Y” on index.
Mr. Sanger is listed as “SA” on index.

DEFENDANT’S WITNESSES	DIRECT	CROSS	REDIRECT	RECROSS
ROBINSON, Christian	10957-A	11011-SA	11034-A	
JOHNSON, Vernee Watson	11037-M			

E X H I B I T S

PLAINTIFF’S NO.	DESCRIPTION	FOR I.D.	IN EVID.
414	Marc Schaffel’s expenses file	11067	
416	Marc Schaffel’s file; accounting of expenses and receipts	11067	

THE COURT: Go ahead.
MR. SANGER: Thank you, Your Honor.
Q. Okay. Mr. Robinson, we were talking about the Debbie Rowe interview. And by the way, can you tell us what the approximate date of that interview was?
A. I don't know the date.
Q. All right. What year was it; do you recall?
A. It would have been around January of 2003.
Q. All right. You say around January. Could it have been early February?
A. Yes. It probably was early February. But I just know a range.
Q. That's fine.
Do you recall the Bashir television show?
A. Of course. Yes.
Q. All right. And do you recall whether or not you saw it when it first aired in the United States?
A. I did see it when it first aired in the United States, but I had read the entire transcript before it aired here.
Q. All right. And at the time that -- so you read the transcript. And then did that have anything to do with Debbie Rowe?
A. As soon as we, as in Mr. Schaffel and Hamid and the other people that were working around Mr. Jackson at the time, heard about this documentary, we began working on creating other programs which we 10932

felt were more truthful.
Q. All right. And so was Debbie Rowe -- I guess what I'm asking is, was the Debbie Rowe interview part of this project that you were working on?
A. Yes.
Q. And did the interview of Debbie Rowe occur around the time that the Bashir television show aired in the United States?
A. Yes. Around the time.
Q. All right. Now, what was Miss Rowe's attitude during the time that this was being taped, to the extent you could observe it?
A. Yes, Miss Rowe was -- she was very eager to do the interview. She was very happy to be doing it, and she was almost like -- well, she was very irate. She was very angry about what she had heard or what she had seen as far as this program. That's why she agreed to do it.
Q. And what angered her? Did she express what angered her about the program?
MR. AUCHINCLOSS: Objection; hearsay.
THE COURT: Sustained.
Q. BY MR. SANGER: All right. Now, where did the filming of Debbie Rowe take place?
A. The filming of Debbie Rowe took place in Marc Schaffel's living room in Calabasas.
Q. All right. And at the time of the 10933

1 interview, did you have occasion to talk with her in
2 between the actual filming?
3 A. Yeah.
4 Q. And was there anything about your
5 discussions with her, your interaction with her
6 during the period of time of the filming, including
7 when the camera was on, that indicated that her
8 production was rehearsed in any way?
9 A. Absolutely not.
10 Q. Now, this particular interview was done on
11 rather short notice, I take it; is that correct?
12 A. I don't know if it was short notice. I
13 don't.
14 Q. All right. Let me put it this way: Were
15 you in the process of trying to put something
16 together for release to television? Let's talk
17 about that.
18 A. Oh, yeah, we were working on productions as
19 quickly as we could. I don't know how much time we
20 had to prepare, though.
21 Q. Have you had occasion to work on productions
22 like that, when you were trying to get something out
23 for television on a short schedule?
24 A. Yes.
25 Q. All right.
26 A. Right now, actually.
27 Q. All right.
28 A. I've got to go home. 10934

Q. Except you've been up here waiting to testify; is that right?
A. Yeah.
Q. Now, when you have a schedule for television, do you have -- let me withdraw that. You mentioned you did these interviews with the "What More Can I Give?" Did those interviews all take place on a real short schedule?
A. Yes.
Q. All right.
A. Yes.
Q. You were trying to get that project together quickly?
A. I don't think it was as efficient as it could have been, but, yeah.
Q. Now, with regard to these television shows, was there -- was there a schedule; in other words, "We have to get these interviews done by a certain date"?
A. Marc Schaffel had made business deals for the Debbie Rowe interview to get them on the air and in publications immediately, so, yes, we were on a very tight deadline once everything was done businesswise.
Q. Now, when you're doing -- shooting on a short schedule, do you observe bankers' hours, you know, 9:00 to 5:00 kind of hours?
A. No.

Q. Is it typical, in your experience, to work late into the night?
A. Yes.
Q. Okay. Now, after you did the Debbie Rowe interview, did you have occasion to be involved in interviewing the Arvizo family?
A. Yes.
Q. And what was your general role in that project?
A. My general role. Well, I was told the day of that we were doing this interview, so I wrote questions, submitted them to Marc Schaffel. And about -- I don't know, you know, later in the day, I went -- later that night I went to the Arvizo -- to Hamid Moslehi's home and did the interview, conducted the interview.
Q. So your role was not to run a camera on that occasion?
A. I may have actually set up a B camera. But it wouldn't have been manned. It would have been like a wide shot.
Q. And a B camera --
A. Is a secondary camera.
Q. I just felt we had to ask that question. So you have the main camera and the main camera operator?
A. Uh-huh.
Q. And then you might have a second camera just 10936

running to pick things up?
A. Well, you always need a close or a medium and wide so that they can cut. You know, you can't show the entire interview, so you have to be able to cut. And you can't cut from the same frame to the same sized frame and make it look natural.
Q. And sometimes you'll do other shots, like two shots; is that right?
A. Exactly.
Q. Where you'll go and -- you'll go backwards and film, for instance, the interviewer.
A. In this case, I wasn't being filmed.
Q. All right. So you were not being filmed. So the B camera in this case -- just in case anybody's up on this, the B camera in this case was a stationary camera that was just doing the wide shot?
A. Yes.
Q. So there was no two shots of the interviewer?
A. No.
Q. All right. Now, your recollection is you were called the day of this to participate?
A. Yes. Yes.
Q. And when you wrote out the questions, did you write out answers?
A. No.
Q. Was there ever a script for the Arvizos to 10937

1 follow?
2 A. Absolutely not.
3 Q. Did you receive instructions on specifically
4 what your questions should be?
5 A. I submitted a list, and some of them were
6 crossed off.
7 Q. All right.
8 A. So, yes.
9 Q. So what -- your first list, then, you just
10 wrote from what you knew by then about the
11 situation; is that right?
12 A. Exactly.
13 Q. And then you submitted that to Mr. Schaffel?
14 A. Correct.
15 Q. And somehow by the time you got ready to ask
16 the questions, some things were crossed off; is that
17 right?
18 A. That is correct.
19 Q. All right. Okay. Now, you were told to
20 report, as it were, you were asked to go to Mr.
21 Moslehi's home, correct?
22 A. Yes.
23 Q. Had you been there before?
24 A. Yes.
25 Q. And did he have a professional set-up for
26 filming an interview?
27 A. Yes.
28 Q. All right. He had a backdrop? A screen

backdrop, right?
A. He had a backdrop. I mean, it wasn't the best of locations to do this, but, you know.
Q. Did you -- were you aware of the deadline that you were on to submit this film to the television producer?
A. I know there was a deadline. I don't know what that deadline was. I only knew it was urgent.
Q. So you were trying to get it done that evening; is that correct?
A. Yes.
Q. All right. When did you get to Mr. Moslehi's house?
A. Later in the evening. Probably 10:30 or 10:00. Maybe even later.
Q. And when you arrived, who was there?
A. Oh. I know Hamid and the crew was there, because I went in and helped them set up. So that would be Hamid, Mark, a guy named Ray, and one other crew member. I don't remember his name.
Q. All right. So you had the -- when you say "Mark," that's Marc Schaffel?
A. No, Marc wasn't there. Mark is an audio guy, I'm sorry.
Q. I'm sorry, that's right. All right. So Mark is an audio guy. We don't know his last name.
A. No.

Q. All right. In any event, let's just do it this way: You had the crew, the audio guy and a couple of other people assisting?
A. Right. And I -- you know, you think about this series of events, and I don't know if the family was there yet. I don't think they were.
Q. Okay. That's what I was going to ask you next. But you had Hamid Moslehi, who was basically the director of photography for this shoot; is that right?
A. Yes.
Q. All right. And some staff, and then yourself, right?
A. Right.
Q. All right. Now, you just told us you're not sure when the family got there. You thought they weren't there yet. But as you sit there, do you have a better recollection?
A. All I know is that at one point there was more people there. There was also the family and another guy who was working with Marc, Vinnie Amen, and there was a man that I was told was a private investigator there.
Q. All right. Do you remember that person's name?
A. No. I -- I know his name now, but I didn't know who he was at the time.
Q. You didn't know him. And did you even know 10940

he was a private investigator at the time?
A. I know I knew that by the end of the night.
I don't know at what point I asked a question and --
you know, because we weren't talking a lot, you
know. I was doing my job, so --
Q. Let me ask about the private investigator.
Did -- did he do anything to interfere with the
production?
A. No, he just -- he was an onlooker.
Q. Okay. Did he do anything to suggest
questions or answers or --
A. No.
Q. -- anything whatsoever?
A. No. No intervention.
Q. Now, you mentioned Vinnie Amen. You said he
worked for Marc Schaffel; is that correct?
A. Yeah.
Q. And was he there during the entire shooting?
A. Yes.
Q. Did he do anything to interfere with the
production?
A. No.
Q. Did he suggest questions, change questions,
do anything with regard to questions?
A. No.
Q. All right. Did he do anything to suggest
answers or anything of that sort?
A. No. 10941

Q. All right. Now, you said the family was there. Do you recall if they all arrived at the same time?
A. No, I don't recall.
Q. When you say "the family," can you tell us who they were?
A. They were Janet, Gavin, Star and Davellin.
Davellin.
Q. Arvizo?
A. Arvizo, yes.
Q. And the mother and the three children; is that right?
A. Yes.
Q. Have you ever had occasion to see the raw footage that was shot that night?
A. No.
Q. Was it your intention to produce from this shooting a three-hour interview that would be shown in its entirety?
MR. AUCHINCLOSS: Objection; leading.
THE COURT: Overruled.
You may answer.
THE WITNESS: It would not be shown in its entirety, no.
Q. BY MR. SANGER: What is your understanding of what you were doing? In other words, what the end result would be. You're shooting raw footage. What do you expect is going to happen to it after 10942

that?
A. Well, first of all, obviously it has a television value. Anything we want to interject -- any Michael program that we would want to use to rebut the Martin Bashir documentary, that would obviously be a huge building block and foundation for that production.
Q. So I guess what I'm asking is more on a technical level. Did you expect somebody would edit and cut and take parts out of this and use it?
A. Yes.
Q. Okay. Do you know if it ever aired?
A. No, I don't think Hamid ever gave it to Marc, so, no.
Q. Okay. So nobody had a chance, then, to cut it or select scenes from it or questions from it to play on television, as far as you know?
A. No. Nobody ever had the footage.
Q. All right. When you are doing an interview of this sort, do you simply go through in a linear fashion and ask questions and stop, or do you sometimes reask the same questions?
A. Some -- especially when you're dealing with four people, sometimes I'll ask the same question four times. Or if I get an answer that is like cold, "yes" or "no," or, "Yeah, he's a really good guy," then I'm going to say, "Would you restate the question and your answer?" You know, "If you're 10943

trying to tell me that Michael is a really nice guy, say, you know, 'Michael is a really nice guy; for example...."
So, yeah, you definitely help them in the ways that -- they're not going to hear my voice in the television production, so they need to restate my question in their answer.
Q. So in other words, you're trying to get answers in the tape that would be usable to be cut into a television program; is that correct? On this particular occasion that's what you were trying to do?
A. Yeah, so that anybody could do, like, a voiceover or even another interviewer could be heard asking the questions. It's kind of a trick of the trade, I guess.
Q. In other words, you didn't expect that your actual voice would be used on television; is that right?
A. Right. Right.
Q. And in fact, you were not miked in a way that your voice was being recorded appropriately?
A. Yeah, I wouldn't have been miked.
Q. All right. Now, in the course of this interview -- and I'm going to go back to the set-up here in a second, but let me ask you a general question.
In the course of this interview, were any of 10944

1 the answers scripted?
2 A. No.
3 Q. Were any of the answers rehearsed?
4 MR. AUCHINCLOSS: I'll object. Foundation.
5 MR. SANGER: Let's put it this way. Fair
6 enough. Let me withdraw it.
7 Q. To your knowledge -- you're sitting there.
8 You're doing the interview. Did you have any of the
9 answers in advance?
10 A. Of course not.
11 Q. All right. Did it appear to you to be a
12 spontaneous interview as far as the answers to your
13 questions?
14 A. Oh, I think they were nervous. Can I --
15 Q. But --
16 A. It was spontaneous, yes. I would ask
17 questions and they would give answers.
18 Q. All right. Now, let's go back to the set-up
19 for this for a second.
20 You say the family got there. Do you
21 remember what the kids did before the filming
22 actually took place?
23 A. Yeah. I remember meeting the kids. I shook
24 their hands. We were introduced. And I wanted to
25 make them feel comfortable with me, because I was
26 going to be asking them sometimes questions that
27 might not be, you know, comfortable to ask to a
28 stranger. 10945

So they were playing video games, and they showed me a production that Michael funded at the ranch called “Neverland T.V.,” and it was like a kids’ show.
Q. And did that star Star?
A. Yes, Star was the star. Star was really adamant he was going to be a comedian.
Q. All right. And so you talked with them. They showed you that video there?
A. Right. And, you know, they were just kind of lounging. You know, I would try to be nice to them and stuff, but they were -- they were kind of in their own world, in a way. They didn’t --
Q. Did they feel -- I’m sorry. Let me withdraw that.
Did they appear to be comfortable there in Mr. Moslehi’s house?
A. You would have thought it was their house.
Q. All right. Now, what about Janet Arvizo? Do you remember her demeanor?
A. Yeah, I probably talked with Janet. For some reason, it took a long time to get going, so I had about probably a half-an-hour conversation with Janet before the interview.
Q. All right. And what was she doing before the interview actually started, besides talking with you?
A. Talking with me, talking with Hamid. She 10946

was on her cell phone a lot. You know, eating food.
Just being comfortable.
Q. Did she appear to be comfortable in Mr.
Moslehi's house?
A. Yes.
Q. You say "eating food." How did she get
food?
A. Oh, you know, there was probably drinks and
stuff out. But I know that -- you know, we were in
the kitchen, and she was just opening the fridge,
and -- you know, it was a very comfortable setting.
It wasn't like a normal T.V. production. It wasn't
huge lights and 50 crew members. It was pretty
intimate.
Q. She felt comfortable just going in his
refrigerator and getting --
A. Yeah, she -- yeah.
Q. All right. Now, Janet Arvizo appeared to
have makeup on in this film; is that correct?
A. I don't know.
Q. Okay. Did you have anybody there doing
makeup?
A. No. No.
Q. Did you have anybody there to do her hair?
A. No.
Q. And when she arrived, did she look pretty
much the way she looked when she was on the screen?
A. I think so, yes. 10947

Q. So she didn't get there and then somebody made her up for the show?
A. Not -- not that I remember, no.
Q. Okay. Now, when you were talking with her before the shooting started, do you recall what she was saying?
MR. AUCHINCLOSS: Objection to any answer other than "yes" or "no."
Q. BY MR. SANGER: Start with that.
A. Yes.
Q. Okay. What was she saying?
MR. AUCHINCLOSS: Objection; hearsay.
MR. SANGER: Both for impeachment and state of mind, Your Honor.
THE COURT: Overruled.
You may answer.
THE WITNESS: She was saying a lot. She talked about Michael being a great father figure to the family. She talked about how horrible it was, how he was portrayed in the video.
She was very eager to do the interview. She wanted to make the situation right for Michael, because she felt like what had happened on television was, you know, like a really bad thing.
She had so much respect.
And -- you know, she -- and she's a very religious woman. She kept talking about God and Jesus, and, you know, how lucky that they were to

have, you know, Jesus help them and brought Michael into their lives, and that he was a healer. Like, she was saying things that I thought were a little nutty. You know, I -- I thought she was a warm person, but at the same time, I didn't want -- you know, she was -- she was warm, but I didn't feel --

MR. AUCHINCLOSS: Object to the narrative.

THE COURT: Sustained.

Q. BY MR. SANGER: Okay. Do you recall anything else that she talked about during the time she was talking to you?

Let me ask, did she talk about her ex-husband at all?

A. Oh, yeah, a lot.

Q. Could you explain what she talked about in that regard?

MR. AUCHINCLOSS: Objection. Hearsay; irrelevant.

THE COURT: Sustained.

Q. BY MR. SANGER: Let me put it this way. Did she have a name for her ex-husband?

A. Yes.

Q. What did she refer to him as?

MR. AUCHINCLOSS: Objection. Hearsay; relevance.

THE COURT: Overruled. You may answer. 10949

THE WITNESS: The children's biological father.
Q. BY MR. SANGER: Now, without going into detail as to what she said to you any further about the ex-husband or the biological father, what she was telling you in this half-hour conversation, was that consistent with what she said when the cameras were rolling?
A. Yes.
Q. And when she was talking to you, did she appear to be spontaneous? In other words --
A. Before or after?
Q. Well, let's take the half-hour conversation. Was she just talking to you?
A. Oh, yeah. Yeah.
Q. And were you asking her questions to elicit all this that she was talking about?
A. No, she was -- I mean, I asked her some questions. I wanted her to feel comfortable with me, but that was like, you know, zero to -- that was in no time. She was talking a lot. And I was probably asking her questions to see -- you know, because I gave her the questions that -- I told her a lot of the questions that I was going to ask her, you know.
Q. When you say you gave her the questions, did you give a written list?
A. No, no, no. I did not give her the 10950

questions, but I let her read my questions, and I went over, you know, “If you don’t feel comfortable with anything, that’s fine, I don’t have to ask it.” You know, that kind of stuff.
Q. All right. And is that an unusual procedure when you’re doing an interview with somebody, to go over the questions in advance?
A. If they’ve done a lot of interviews, then you would not want to give them -- you would not want to show them the question, because they’re used to answering questions.
But I was pretty sure that this was the family’s first time doing a televised interview, so I -- yeah, I went over certain kinds of things with all the kids to make them feel more comfortable. I didn’t tell them what to say. I just told them, you know, “I just want you to tell the truth.” I said that a lot. But I definitely, you know, made them feel as comfortable as possible.
Q. Now, do you recall Janet Arvizo talking to anybody about being compensated for doing the video?
A. I don’t recall her talking to anybody about being compensated, but Hamid told me that she wanted to be compensated.
MR. AUCHINCLOSS: Objection. Hearsay; move to strike.
THE COURT: Stricken.
Q. BY MR. SANGER: So she had no discussion in 10951

your presence about being compensated; is that right?
A. Not that I know of.
Q. All right. Was there any discussion with Janet Arvizo about model releases?
A. Yes, that was the big issue of the night.
Q. Now, are model releases an unusual procedure in your profession?
A. Are they unusual?
Q. Yeah. Is it unusual --
A. No.
Q. -- to get somebody to sign a model release?
A. No, it's required.
Q. So before you do an interview or you're going to put somebody on tape to send to television, you have them do a model release; is that right?
A. Yeah, especially when you're dealing with kids. That's the -- yeah.
Q. Was there anything unusual, as far as you were concerned, about the model release in this particular case?
A. Yes. She wasn't signing the model releases and she was yet so eager to do this interview. And so I just -- I thought it was money, and I -- that was purely my thought, but -- you know, I thought she wanted money.
Q. All right. At some point, did she -- did she, meaning Janet Arvizo, talk with somebody on the 10952

telephone about the model releases?
A. Yes, she was talking about the model releases, but I don't know what else -- you know, she was answering "yes," "no."
Q. So during the time you were trying to get a model release signed, she was on the phone?
A. Right. Right.
Q. Was it more than once?
A. Yeah, it was ongoing. Like I was freaking out, because, you know, I was calling Mr. Schaffel and saying, "We're not going to be able to do this. She won't sign the model releases," because I was told not to do it without signed releases.
Q. Did she eventually agree to sign the model release?
A. I believe she signed, but I believe it was after the interview.
Q. All right. So at some point, the production went ahead?
A. Yes.
Q. And were you in charge of actually getting the model release in your hand, or was that somebody else?
A. No, I needed to see them signed. I know Vinnie was supposed to take the model releases up to Mr. Schaffel at the end of the night. It wasn't my responsibility.
Q. So your understanding is that they were 10953

signed sometime before the night was over; is that right?
A. No. I know they were signed, yes.
Q. Did anybody -- did you see anybody coerce Miss Arvizo into signing the model releases?
MR. AUCHINCLOSS: Objection; foundation.
THE COURT: Overruled.
THE WITNESS: No, I didn't see anybody coercing her.
Q. BY MR. SANGER: And when she went to begin the interview, did it appear to you -- let's put it this way. Was there anything that you saw that indicated that she was not absolutely willing to give this interview? Was there anything that you saw that indicated to you that she was unwilling to give this interview?
A. No. Except for the model releases.
Q. All right. And I guess what I'm saying is, when it started --
A. No, she wanted to do the interview. She was adamant about wanting to do the interview. But that's why I was like in a very strange place, because, "If you're so eager to do this interview, then why won't you just sign the model release?" Like, I didn't know how to treat the situation.
Q. All right. Now, you finished that project that night?
A. Correct. 10954

Q. And that was the end of your involvement in that part of it, is that correct; in other words, the filming of the Arvizos?
A. Yes.
Q. The filming was over. Okay.
And by the time -- did it appear to you that anybody had, in your presence, done anything to intimidate Mrs. Arvizo or the children?
A. Absolutely not.
Q. By the time you left that night, or they left, whoever left first, by the time you parted company with the Arvizos, did you ever see them again in person?
A. I don't think I did.
Q. That was -- your contact with the Arvizos was that night; is that correct?
A. Correct.
Q. During the entire course of that time that you had contact with the Arvizos, did any of them indicate to you in any way that they were being held against their will?
A. Not at all.
Q. Did any of them indicate that they were being extorted?
A. That they were being extorted?
Q. Extorted.
A. No.
Q. All right. Did any of them indicate in any 10955

way that they had been mistreated by Michael Jackson in any way?
A. No, they indicated -- they indicated the opposite.
Q. And that was true of the statements off camera as well as on camera; is that right?
A. Right.
Q. Did they indicate in any way that they had been mistreated by anybody who was working for Mr. Jackson?
A. No.
Q. Was -- did there appear to be any animosity or tension or anything inappropriate in the relationship between Mr. Amen and any members of this family?
A. No.
Q. Did the private investigator appear in any way to do anything or exhibit any behavior that indicated there was anything inappropriate going on there?
A. No.
Q. Now, you did mention Gary, Indiana. Do you recall participating in another production -- or not a -- a production of another piece?
A. A lot of pieces, yeah.
Q. Was the Gary, Indiana, ultimately televised as “Michael Jackson’s Home Movies,” or was that part of what you did for that? 10956

A. You know, that may have been part of the "Michael Jackson Home Movies," but I -- I always viewed my purpose filming for Michael as more of an archival documentary. I don't -- it will be on television some day. And, you know, Michael has seen a lot of the footage, but I don't know how much of that has aired.

MR. SANGER: Okay. All right. I have no further questions. Thank you.

THE COURT: Cross-examine?

CROSS-EXAMINATION

BY MR. AUCHINCLOSS:

Q. Good morning, Mr. Robinson.

A. Good morning.

Q. Now, you've testified that you are a videographer?

A. Among other things, yes, sir.

Q. Among other things. And would it be fair to say that videography was the primary job that you did when you were working in -- on behalf of Michael Jackson?

A. No, I wouldn't say it was primary.

Q. Okay. Give me a description of the types of tasks that you would undertake on behalf of Mr. Jackson.

A. Okay. It's a lot. I started out on "What More Can I Give?" as mostly an interviewer who ran a 10957

B camera, a secondary camera. It transitioned to the point where I would produce events. Like Michael had a birthday, so I booked crews, and I would locate -- you know, I would give crews positions and give them instruction on what we're going to cover.
I would take the footage from, like, Gary Indiana, for example, and edit like a ten-minute selects reel with music for Michael to watch, you know, so he could enjoy it. And also if we had a media person that was interested in the footage, we would -- we could show them that at some point. So it was -- it was pretty encompassing.
Q. You also said that you would sometimes prepare videos for archival purposes.
A. Yeah. I didn't feel like what I was shooting was for any specific television show most of the time.
Q. Would you sometimes prepare videos just for Mr. Jackson's personal use?
A. Yes. I prepared a few, yes.
Q. And would those mostly comprise videos of fans praising Mr. Jackson, that type of thing?
A. No. I mean, the fans are obviously praising Jackson, but it's also, you know, you establish with the airport in Gary, you know, and then you just show the madness of the trip. And, you know, if Michael's being awarded something, then you show 10958

that. You know, it's just like a mini documentary about the event.
Q. But haven't you stated before that Michael Jackson particularly enjoyed videos of his fans when they were praising him, King of Pop, King of the World?
A. He was the king of -- yeah. Absolutely.
Q. You used those words, "King of Pop," "King of the World"?
A. "King of Pop," "King of the World." The people loved -- they loved to let him know how they felt.
Q. And Mr. Jackson liked to see those videos?
A. Absolutely.
Q. All right. Now, would it be fair to say that in your work for Mr. Jackson, some of this video work that you would do would be for public relations purposes?
A. Yeah, I'm not going to obviously film somebody saying, "Michael is a jerk." I'm like, "Oh, yeah, that's going to make the video."
Q. So you were primarily involved in public relations aspects of --
A. Yeah.
Q. -- Michael Jackson and his image, making his image appealing to the public?
A. Sure. You could say that that was part of my job description. 10959

Q. Okay. Because you were working for Michael Jackson?
A. Exactly. I was working for an artist. I'm not going to -- I'm going to make him look as good as possible.
Q. All right. And you've had a business relationship with him?
A. Correct.
Q. How many times would you say you have personally talked business with Michael Jackson, if you can approximate?
A. You know, maybe -- maybe 100. You know, and if there's an eight-day trip, then a couple times a day, so that's how I am coming up with that number.
Q. All right. And your relationship with him was strictly business?
A. Well, I mean, I considered him a nice guy. We would talk a little bit. He was interested in what the camera was. And, you know, he was always very kind to me.
Q. And you're aware that Mr. Jackson has been in the entertainment industry for virtually his entire life?
A. Yes.
Q. Okay. Over 40 years?
A. 40, wow, that's -- that's a long time.
Q. It is.
So would you agree that Mr. Jackson is 10960

fairly accomplished in the area of public relations?
A. No.
Q. You wouldn't agree with that?
A. No. He's -- he's a public relations
nightmare in a lot of ways, I think.
Q. Well, how did he become the king of pop
without having some acumen in public relations?
A. Because he's a genius musically, man. You
know, that's I believe how he became so famous. I
think the PR thing is a whole different story.
Q. Well, as far as his work in the public
relations part of his career --
A. Uh-huh.
Q. -- this -- let's talk a little bit about the
"Home Movies" thing.
A. Okay.
Q. Was that a public relations film?
A. Well, I believe they paid, like, eight
million dollars for it, so I wouldn't call it a
public relations film.
Q. But it was designed to promote Michael
Jackson's career in some fashion?
A. Everything an artist does, yeah, I believe
is.
Q. Do you think everything Michael Jackson does
is somehow related to promoting his career?
MR. SANGER: Objection, Your Honor. That's
vague. Beyond the -- no foundation. 10961

THE COURT: Sustained as vague.
Q. BY MR. AUCHINCLOSS: Well, let's talk about the -- you've heard some of the stories about Mr. Jackson with sleeping in a hyperbaric chamber, that type of thing?
MR. SANGER: Objection, Your Honor. Beyond the scope of direct and no foundation and calls for hearsay.
THE COURT: Sustained.
Q. BY MR. AUCHINCLOSS: Have you heard of any PR stunts that Mr. Jackson has pulled on his behalf that are somewhat odd or unusual that get a lot of attention?
MR. SANGER: Objection, Your Honor. Argumentative; no foundation; assumes facts not in evidence; and hearsay from tabloids.
MR. AUCHINCLOSS: It's a "yes" or "no" question.
THE COURT: Sustained.
MR. AUCHINCLOSS: All right.
Q. Now, you've been personally involved on a number of projects with Mr. Jackson?
A. Yes, sir.
Q. The "What More Can I Give?" shoot, correct?
A. Correct.
Q. "Home Movies"?
A. Yes.
Q. That was -- part of that, I believe you 10962

said, was shot in Gary, Indiana?
A. You know, I believe they used some of that footage. I never saw the finished product.
Q. Did you also involve yourself in a shooting of a party that involved an artist by the name of Britto at Neverland?
A. Oh, yes. Yes.
Q. So you shot the film for that?
A. Yes.
Q. When was the “Home Movies” shot?
A. The “Home Movies” --
MR. SANGER: I’m going to object. I believe there’s a lack of foundation on that.
MR. AUCHINCLOSS: Well, I can maybe clean that up a little bit.
Q. When did you do the shoot that you’ve talked about in Gary, Indiana, that was used in “Home Movies”?
MR. SANGER: I’m going to object to that. There’s no foundation.
THE COURT: Overruled.
You may answer.
THE WITNESS: Gary, Indiana. That would have been -- it was getting warm. I would say it was -- this is an estimation. I could be way off here. I think it was in the spring of 2003.
Q. BY MR. AUCHINCLOSS: I’m sorry?
A. I think it was in the spring of 2003. 10963

Q. Okay. And when was the Britto party filmed?
A. Neverland party. I don't know. I really
don't know the dates of the Neverland party.
Q. Could it have been in the fall of 2003?
A. Yes, likely.
Q. Does that ring a bell?
A. I mean, you guys know, you know. And I'm
horrible with dates, but -- yeah.
Q. It was several months after the shooting of
the Arvizos; is that accurate?
A. It was after the shooting of the Arvizos?
Q. Yes.
A. Okay.
Q. Well, do you know?
A. I don't know. I don't know. That was --
that was a stressful trip to me, and I think my mind
flushed it away.
Q. So the -- but both of those projects were
Neverland Valley Entertainment projects, correct?
A. Neverland Valley Entertainment, yes.
Q. They both involved Marc Schaffel?
A. Yes.
Q. Michael Jackson was employing Marc Schaffel
for each of those projects, to help produce them?
A. Yes. You know, I don't think Michael
Jackson produced -- actually, I don't think
Michael -- I think the party was Marc's idea. I
don't think that was something that Michael 10964

initiated. I think that was a Marc thing.
Q. And that was a promotional party,
thousand-dollar-a-plate dinner type of a thing,
right?
A. It was weird, yeah.
Q. Why do you say it was weird?
MR. SANGER: Objection. Your Honor, this is
beyond the scope of direct.
THE COURT: Sustained.
Q. BY MR. AUCHINCLOSS: Now, did you get to
know an individual named Brett Ratner during any of
these shoots?
A. Yes.
Q. Which shoot was that?
A. That would have been the “Home Movies”
shoot, and kind of -- there’s another shoot that
Hamid had, you know, the second camera show, the FOX
“The Interview You Weren’t Meant To See.” He may
have had something to do with getting some footage
for that as well, but I know those were close
together, so --
Q. So did Mr. Ratner work with Mr. Schaffel in
those two productions?
A. Did Mr. Ratner work with Marc?
Q. Yes.
MR. SANGER: I’m going to object. Lack of
foundation. And also beyond the scope of direct,
and relevance. 10965

THE COURT: Overruled.
You may answer.
THE WITNESS: I believe that Brett Ratner
was paid by FOX.
Q. BY MR. AUCHINCLOSS: All right. And --
A. That's my --
Q. Do you know that?
A. That's what I have assumed the entire time.
Q. Weren't these productions produced,
packaged, and then sold to FOX?
MR. SANGER: Objection; lack of foundation.
THE COURT: Sustained.
Q. BY MR. AUCHINCLOSS: Okay. How did you meet
Mr. Marc Schaffel?
A. The first time I came to L.A., I met Mr.
Schaffel on a pilot for a comedic sitcom that was
produced by Joseph Medawar.
Q. You didn't meet Mr. Schaffel at an Indy film
festival?
A. No.
Q. And what year was it that you met Mr.
Schaffel?
A. Hmm. When I first met Mr. Schaffel, it
would have been sometime early 2001 or in 2000.
Q. Did you form a business relationship with
Mr. Schaffel after that time?
A. I was back and forth from Utah a lot, so,
yeah, I mean, it started then, you know, that I 10966

realized that, you know, he was a very smart person, and I would like to work with him, sure.
Q. Okay. And Fred Schaffel headed up Neverland Valley Entertainment, correct?
A. Correct.
Q. And that was an enterprise that was formed with Mr. Jackson?
MR. SANGER: Objection; lack of foundation.
THE COURT: Sustained.
Q. BY MR. AUCHINCLOSS: Do you know if that was an enterprise that was formed with Mr. Jackson?
MR. SANGER: Objection. Lack of foundation beyond a "yes" or "no."
THE COURT: You may answer "yes" or "no."
THE WITNESS: Please repeat the question.
Q. BY MR. AUCHINCLOSS: Do you know if Neverland Valley Entertainment was an enterprise formed with Mr. Jackson -- by Mr. Schaffel with Mr. Jackson?
A. Yes.
Q. Okay. And was Neverland Valley Entertainment an enterprise that was formed by Mr. Schaffel with Mr. Jackson?
MR. SANGER: Objection; lack of foundation.
THE COURT: Sustained.
Q. BY MR. AUCHINCLOSS: How do you know that this enterprise was formed with these two individuals? 10967

A. How do I know?
Q. Yes.
A. Well, I never saw any paperwork.
Q. But did you see them work together in enterprises that involved Neverland Valley Entertainment?
MR. SANGER: Objection; argumentative.
THE COURT: Sustained.
Q. BY MR. AUCHINCLOSS: How do you know that? Why do you say that you know that Neverland Valley Entertainment involved Mr. Jackson and Mr. Schaffel?
MR. SANGER: Well, I'm going to -- I'm going to object that that's what he said. That was not the question, so misstates the evidence.
THE COURT: Overruled.
You may answer.
Q. BY MR. AUCHINCLOSS: Go ahead.
A. I assumed that because of "What More Can I Give?" And then everything I did with Marc was under the same company, so, yes.
Q. Marc Schaffel --
MR. SANGER: Excuse me, I'm going to then move to strike the answer as being without an adequate foundation and the answer to the prior questions on that subject.
THE COURT: I'll strike the answers that he gave relating to that relationship as a company.
Go ahead. Next question. 10968

Q. BY MR. AUCHINCLOSS: Neverland Valley Entertainment -- everything that Neverland Valley Entertainment did involved Mr. Jackson in some fashion, as far as you know, true?
MR. SANGER: Objection; lack of foundation.
THE COURT: Sustained.
Q. BY MR. AUCHINCLOSS: Michael Jackson and Marc Schaffel were friends, correct?
A. Yes.
Q. And Mr. Schaffel admired Mr. Jackson?
A. A great deal.
Q. He respected him?
A. Yes.
Q. Did you ever spend the night at -- well, let me back up.
How many times did you work for Marc Schaffel?
A. How many times did I work for Marc Schaffel?
Q. Yeah.
A. Couldn't put a number on it. A lot of days.
Q. On how many different projects did you work for Marc Schaffel on behalf of Neverland Valley Entertainment?
A. How many different jobs or how many different days?
Q. Let's start with jobs.
A. Probably 10 or 12. Maybe 15.
Q. And -- go ahead. 10969

A. A lot of them were more than one day, so --
Q. And how many different days, approximately?
A. Probably 140 days of work. Maybe between 100 and 140. I'm not positive.
Q. And --
A. Maybe less, actually. Maybe like 70, even.
Q. Did Mr. Schaffel see working with Mr. Jackson as a significant career opportunity?
MR. SANGER: I'm going to object. Lack of foundation; calls for speculation.
THE COURT: Sustained.
Q. BY MR. AUCHINCLOSS: Did you ever discuss with Mr. Schaffel his work with Michael Jackson?
A. While I was -- Marc didn't --
MR. SANGER: It's -- excuse me, Your Honor. I believe that would be a "yes" or "no." Otherwise, I object as calls for hearsay.
THE COURT: All right. I'll sustain the objection.
You can read back the question.
It's a question that only requires you to answer "yes" or "no."
THE WITNESS: It only requires me to answer "yes" or "no"?
THE COURT: Yeah. So wait. I'll let you have the question back.
THE WITNESS: Okay. Thank you.
(Record read.) 10970

THE WITNESS: Did I ever discuss with Schaffel his work with Jackson. I tried.
Q. BY MR. AUCHINCLOSS: Okay. And you, I believe, have testified that you engaged in work for Mr. Jackson that involved Mr. Schaffel?
A. Yes.
Q. On numerous occasions?
A. Yes.
Q. And you would agree that Marc Schaffel would never do anything to hurt Michael Jackson, would you not?
MR. SANGER: Objection. Calls for speculation; lack of foundation.
THE COURT: Sustained.
Q. BY MR. AUCHINCLOSS: Based on everything you've heard and seen.
THE COURT: Sustained.
THE WITNESS: Sustained. I can answer?
MR. AUCHINCLOSS: No.
Q. Have you ever seen Marc Schaffel do anything to hurt Michael Jackson --
A. No.
Q. -- intentionally?
A. No.
Q. When you've worked with Schaffel, have you stayed at his house at times?
A. Yes.
Q. And when you worked for Mr. Schaffel on 10971

behalf of Neverland Valley Entertainment, were you
paid by Neverland Valley Entertainment?
A. Most of the time. Once in a while I would
get a check from Michael's office, I believe.
Q. And do you consider yourself a friend of
Marc Schaffel?
A. Yes, I do.
Q. A close friend?
A. No, no, not close, but, you know, he's a
good guy.
Q. When was the last time you talked to him?
A. I probably talk to him once a week. If --
sometimes a month will go by, especially lately.
I've been very busy, so I don't see him much.
Q. Do you respect Marc Schaffel?
A. In a few ways I respect Marc Schaffel a lot.
In a few ways I would say that he's not the kind of
person that -- in a few ways I respect him a lot,
like as a business mentor. He was very good to me,
you know. I know his family, you know. But in a
few career decisions that he made in the past, I
wouldn't model my career after.
Q. Such as his previous --
MR. SANGER: Objection, Your Honor.
MR. AUCHINCLOSS: I haven't finished the
question.
MR. SANGER: But I'd like to be heard, then.
THE COURT: Go ahead. Ask your question. 10972

Q. BY MR. AUCHINCLOSS: Such as his previous
experiences in the entertainment industry?
A. Such as his previous experiences in the
entertainment industry.
Q. All right.
A. Yeah.
Q. Now, does -- do you know if Mr. Schaffel has
connections in Brazil?
MR. SANGER: Objection.
THE WITNESS: Connections?
MR. SANGER: Beyond the scope of direct.
THE COURT: Sustained.
Q. BY MR. AUCHINCLOSS: Let's talk a little bit
about the Bashir film.
A. Okay.
Q. That film was indeed a public relations
nightmare for Mr. Jackson, true?
A. Yes.
Q. And you saw the appearance of Gavin Arvizo
in that film as a serious liability for Michael
Jackson, correct?
MR. SANGER: Objection; vague.
THE COURT: Overruled.
You may answer.
THE WITNESS: Yes.
Q. BY MR. AUCHINCLOSS: Okay. And that one of
the problems in that film was that Michael Jackson
was recorded holding hands, cuddling with Gavin 10973

Arvizo on a sofa, and talking about sleeping --
Gavin Arvizo was talking about sleeping in Michael
Jackson's bed?
A. There were --
MR. SANGER: Object. One second, please.
Objection. That's compound and it misstates
the evidence.
THE COURT: Compound. Sustained.
Q. BY MR. AUCHINCLOSS: One of the problems in
that film was that Gavin Arvizo was on a sofa with
Michael Jackson being physically affectionate with
him, true?
A. One of the problems, yes.
Q. Yes. And another problem was that Gavin
talked about sleeping in Michael Jackson's bed?
A. Did he? I think he did. Yes. If he did,
then, yes, absolutely.
Q. All right. And later in that video, Mr.
Jackson admitted that he slept with a number of
small boys, or small children?
A. Okay.
Q. That was part of the --
MR. SANGER: I'm going to move to strike the
answer as without foundation.
THE COURT: Sustained.
Q. BY MR. AUCHINCLOSS: You've seen the video,
right?
A. I've seen it once and I read it once, but 10974

that was two years ago, so I can't -- I don't know
the exact language in the film.
Q. Well, you were -- you saw yourself as an
individual that was attempting to address the public
relations disaster or nightmare of the Martin Bashir
footage, correct?
I mean, isn't that what you were trying to
do in the month of February with Marc Schaffel?
A. That -- was I trying to address the public
relations nightmare? Yes.
Q. And this film footage that you were putting
together with people like Debbie Rowe and the
Arvizos was designed to help rebut the Martin
Bashir?
A. Yeah, in part. Beyond financial, probably.
Q. And there was a financial component to
this --
A. I'm sure.
Q. -- rebuttal film, correct?
A. Absolutely.
Q. Because it was designed as a money-making
enterprise, true?
A. Yes. Not designed as a money-making -- I
think it was -- I think it had two purposes, and
they were equal.
Q. Okay. And the two purposes were --
A. To --
Q. -- to help Michael Jackson -- 10975

MR. SANGER: Objection. The witness was trying to answer.
MR. AUCHINCLOSS: I hadn't finished my question.
THE COURT: The objection is overruled. Go ahead.
Q. BY MR. AUCHINCLOSS: And the two purposes were to help Michael Jackson with his public relations nightmare and make some money doing it. Those are the two purposes?
A. I think the PR thing was more important, now that I -- now that you say it that way.
Q. Okay.
A. But really the first thing we did was "The Interview You Weren't Meant To See," which showed how poorly Michael was treated in the first.
Q. Okay. So one of the things that you mentioned is very early on, you read a complete script of the Martin Bashir video?
A. I don't know if it was complete. I found it online. It was a transcript, supposedly.
Q. Okay. And -- but that was before you even saw the Martin Bashir video?
A. Yes.
Q. And was that before -- between -- let me strike that.
Was that after it had been aired in England?
A. Yes. 10976

Q. And you worked with Debbie Rowe on the filming with Debbie Rowe?
A. Correct.
Q. Videography; is that a fair way to describe your job at that particular time?
MR. SANGER: I'm going to object. That's ambiguous.
THE COURT: Overruled.
You may answer.
THE WITNESS: Like we've already talked about, I don't classify my work as one thing. So that is part of what I do is videography, yes.
Q. BY MR. AUCHINCLOSS: But you weren't the interviewer in that, right?
A. I was prepared to do the interview, but I did not do the interview.
Q. So you helped out with the cameras?
A. Right.
Q. Lighting?
A. I helped set up, get it done.
Q. And there were questions prepared for that interview?
A. Yes.
Q. Okay. And you don't know for a fact whether or not Debbie Rowe was coached or screened beforehand concerning those questions?
A. She wasn't coached or screened at Marc Schaffel's house, if she was. 10977

Q. Okay. But you don't know, other than what happened at Marc Schaffel's house?
A. Right.
Q. And how did it come about that Marc Schaffel contacted you to help with that?
A. If he had a video project and he needed to get it done, he would call me to help pull all the things together.
Q. You were in California at the time?
A. I may have been in Salt Lake at the time. I have a business in Salt Lake that I would travel back and forth whenever I had work here.
Q. Was there any discussion at the time about how you would be paid?
A. No. I always -- Marc always paid my invoices.
Q. Okay. Now, at this time, there was also -- let me strike that.
After the -- the Debbie Rowe interview was shot after the Martin Bashir had aired in the United States, true?
A. I don't know.
Q. Okay. In any event, after the Bashir film aired in the United States, you were aware that it would be very valuable to get the Arvizos on videotape?
A. Yeah, I think we knew that that was a possibility. 10978

Q. “We” being you and Marc and who else?
A. Anybody who, you know, has a logical brain, you know. You know, this kid that’s causing all this news, he’s worth money. And I don’t think that was our primary motivation. But if you can fix a bad problem and make money doing it, wow, you just -- you know, you just killed two birds with one stone.
Q. But certainly you knew that was going to be worth money? That’s really my question.
A. Sure. Of course.
Q. And you spent some time over at Mr. Schaffel’s house during that time period in February of 2003?
A. Yeah, we probably worked a lot.
Q. Were you spending the night over there at that time?
A. We had a whole camp set up there. A lot of people were spending the night up there.
Q. So you were one of them?
A. Yes.
Q. Did you see the comings and goings of various people that were involved in this enterprise?
A. Like Stuart and Vinnie and Frank, yeah.
Q. Okay. And Stuart Backerman, that was -- he was Michael’s PR man?
A. That’s correct. 10979

Q. Vinnie, he's a close personal friend of Frank's?
A. He's a friend of mine, yeah.
Q. Okay.
A. He's a good guy.
Q. Friend of yours as well.
And Frank, you're talking about Frank Cascio, right?
A. Uh-huh.
Q. Frank Cascio's kind of like a brother to Michael Jackson; is that fair to say?
MR. SANGER: Objection. Objection.
THE WITNESS: I didn't see them together that much.
MR. SANGER: I'll withdraw it.
THE COURT: Okay.
MR. SANGER: I was going to say no foundation, but I think that's --
Q. BY MR. AUCHINCLOSS: You've seen Michael and Frank together?
A. I have.
Q. And in the past, you have described Michael and Frank as best friends, true?
A. That's how Frank --
MR. SANGER: I'm going to object. I'm going to object that that calls for hearsay.
THE COURT: Sustained.
Q. BY MR. AUCHINCLOSS: In the past, you have 10980

described Michael and Frank Cascio as sort of like brothers?
MR. SANGER: Objection; calls for hearsay.
Q. BY MR. AUCHINCLOSS: True?
MR. SANGER: No foundation.
MR. AUCHINCLOSS: Offered as impeachment.
THE COURT: Yeah, just a moment. I need to check something here.
All right. I'm going to overrule the objection.
Q. BY MR. AUCHINCLOSS: Didn't you say that in the grand jury when you testified?
A. Yes, that's how Frank would have described -- I would ask, probably, and that's --
Q. Well, that was your opinion when you described it, wasn't it?
A. Okay. Yes. If that's -- if those are my words. I don't have a transcript in front of me, so --
Q. Okay.
A. You can tell me. I'm not --
Q. Did you know a guy by the name of Dieter Weizner?
A. I know Dieter.
Q. How many times have you met Dieter?
A. Maybe 20. Maybe 15.
Q. And Dieter is an individual who's involved in business with Michael Jackson, correct? 10981

A. Yes. Or he was.
Q. All right. And he was at that time?
A. Yes.
Q. Hamid Moslehi, he was Michael Jackson's personal videographer?
A. Yes. And photographer.
Q. I'm sorry?
A. And photograph.
Q. Director of photography?
A. Yeah, that's a good word for it.
Q. Okay. And the effort at this camp at Marc Schaffel's house was directed at helping Michael Jackson; is that true?
A. Yes.
Q. Everybody was working hard to help Michael Jackson during that entire period, correct?
A. Yes.
MR. SANGER: I'm going to object. It calls for speculation without a foundation.
THE COURT: Sustained.
Q. BY MR. AUCHINCLOSS: That's what you were trying to do, right?
A. Yes.
Q. Is help Michael Jackson?
A. Yes.
Q. And from everything you saw, it looked like Marc Schaffel was helping -- trying to help Michael Jackson, true? 10982

A. Yes. Yes.
Q. And Frank?
A. Frank's lazy, but, yeah.
Q. Okay. He's lazy, but he wanted to help
Michael Jackson if he could?
A. Yeah.
MR. SANGER: I'm going to -- well, I'll
withdraw it.
Q. BY MR. AUCHINCLOSS: All right. So one of
your tasks during this time was to interview the
Arvizo family?
A. That is correct.
Q. And Marc Schaffel is the one who assigned
you to that task; is that correct?
A. Yes.
Q. And on the day that that was to be shot, you
said that you spent some time writing down questions
to ask the Arvizos?
A. That is correct.
Q. Okay. Had you ever met the Arvizos at that
point?
A. No, I had seen the mother once, but I had
never -- I had never been introduced to her.
Q. And you saw the mother at one time when?
A. Vinnie was driving her around doing errands
and he had to stop by Marc's.
Q. And the mother was out in the car?
A. I think she came up to the doorstep and I 10983

opened the door, you know, but I didn't have a conversation with her.
Q. And ultimately this film was to be filmed at Hamid's house? That's where it ultimately took place?
A. That's correct.
Q. Do you know why it wasn't filmed at Marc's house, like Debbie Rowe?
A. Well, Hamid --
Q. That's "yes" or "no."
A. -- had all the stuff in his garage. It's probably a pretty convenient location. I mean, we're talking a thousand or more pounds of gear, so --
Q. Okay. Now, let's talk a little bit about your day. What time of the day did you find out that you were going to be interviewing the family approximately, if you can?
A. Probably early afternoon.
Q. Okay. Did you ever tell a police officer that it was in the morning that you started work on this?
A. It might have been my morning. You know, I might -- if I woke up at -- late or something.
Q. And you started to prepare this script of questions, or this list of questions, and ultimately you were assisted in the final product, correct?
A. That is correct. 10984

MR. SANGER: I'm going to -- well, I'm going to object to that question as being compound, misstating the evidence as phrased.
THE COURT: Compound, sustained.
Q. BY MR. AUCHINCLOSS: You were ultimately assisted in preparing this list of questions, correct?
A. Yes.
Q. And one of the people who assisted you was Marc Schaffel, correct?
A. Can I answer -- I don't know. I mean, he was talking to somebody, so I don't know if it was actually his call.
Q. Okay.
A. I may have taken the papers and faxed them to somebody or sent them an e-mail.
Q. You can answer that question. Who was he talking to?
A. I don't know.
Q. You believed he was talking to a lawyer based on everything you saw, though?
A. Well, yeah, it wouldn't --
MR. SANGER: Objection. Calls for speculation; no foundation.
THE COURT: Sustained.
Q. BY MR. AUCHINCLOSS: Were there some legal questions asked when you watched -- well, let me back up first. 10985

Does Mr. Schaffel have a speakerphone in his office?
A. Yes.
Q. Does he frequently talk on that speakerphone?
A. Yes.
Q. Does he frequently talk on that speakerphone when people are present and can overhear conversations?
A. If it has no -- you know, if it's not a personal conversation, sure. I mean --
Q. And did you overhear him talking on the phone when these questions were being worked on by Mr. Schaffel and another person who was on the phone?
A. I think at one point.
Q. Okay.
A. I don't think it was the entire conversation.
Q. And based on everything you heard, did you form an opinion as to what the other person's occupation was?
A. Yes.
Q. And what is that?
A. I felt -- because of the nature of the interview, I felt that the advice they were giving implied that they had a lot of legal knowledge or that they were an attorney. 10986

Q. Okay. And the script of questions was
modified and returned to you?
A. Not modified as in they just -- he just
crossed them out.
MR. SANGER: I'm going to move to strike the
answer for the purpose of objecting. The question
misstates the evidence as to the word "script."
MR. AUCHINCLOSS: I said "script of
questions."
THE COURT: The objection is overruled.
Q. BY MR. AUCHINCLOSS: Okay. The script of
questions was modified and returned to you?
A. The list of questions was modified, yeah.
Some of the questions were crossed out.
Q. Now, ultimately, this whole script or list
of questions was formed by committee; is that
accurate?
MR. SANGER: Objection, Your Honor. The
witness has now clarified it's not a script. I
object to the question. It's also compound.
THE COURT: Overruled.
You may answer.
THE WITNESS: I need to clarify that. It was
not a script. That's not --
Q. BY MR. AUCHINCLOSS: That's fine. Call it a
list.
A. It's a list.
Q. A list of questions. 10987

A. Okay.
Q. Ultimately this list of questions was formed by committee; is that true?
A. True. That is true.
Q. Okay. And what was produced in this list of questions was somewhat thematic; would you agree?
A. Yes.
MR. SANGER: I'm going to object -- well, all right. I'll withdraw it.
Q. BY MR. AUCHINCLOSS: In other words, there were certain themes that you were going for; is that fair?
A. Yes.
Q. And you basically have testified on direct that the questions shape the interview?
A. That is -- that is correct.
Q. And the attempt here was to shape this interview into something that would be usable for the rebuttal film?
A. Yes.
Q. And you saw that this rebuttal film would be worth -- and I should say this rebuttal film in particular, the filming of the Arvizo family, you believed that that film would be worth a fortune, correct?
A. That would have been my opinion, yes.
Q. You believed it was worth millions, true?
A. Probably. 10988

MR. SANGER: I'm going to object. There's a lack of foundation.
THE COURT: He answered it. I'll overrule the objection. Next question.
Q. BY MR. AUCHINCLOSS: Let's talk about some of the themes that were developing in the script of questions.
One of the major themes was that Michael Jackson is a good person; fair to say?
A. Described his character, sure.
Q. Another major theme was that Michael Jackson was taking in the Arvizo family as part of his family?
A. I mean, do you want all the beats? I probably can explain it to you. That was part of --
Q. What do you mean by "beats"?
A. Beats. Points that you're going to hit on.
Q. Okay. That was one of the points you were going to hit on, right?
A. Sure.
Q. And one of the points was that Michael was like a father to these kids?
A. Caretaker.
Q. I mean --
A. Father.
Q. -- that word was used, "father," in your questions, right? Wasn't it?
A. I don't have my list of questions. 10989

Q. Okay.
A. But probably.
Q. Another beat was that Michael is a good parent, correct?
A. Is he a good parent?
Q. Another beat was that Michael is misunderstood?
A. Is Michael misunder -- yeah, yeah.
Q. Yeah. And another beat was that Michael is somehow responsible for healing Gavin's cancer. Helpful or responsible, something along those lines, true?
A. Not responsible.
Q. Well, helpful.
A. Helpful, yes.
Q. Something he did, he helped heal --
A. Absolutely. He definitely --
Q. -- helped heal Gavin's cancer.
A. We wanted to get that story, because it's a great story.
Q. How long did it take you to ultimately achieve a finished product with this list of questions?
A. It may have been two hours. It may have been three. I was definitely working on other things at the same time, so....
Q. Do you know the person's name who Marc Schaffel was talking to on the phone? 10990

A. I don't.
Q. Were you directed not to use any
inflammatory language in your questions?
A. "Inflammatory" as in like the word "sex" or --
Q. "Sex" or "molest"?
A. Yeah.
Q. Were you told not to use those words?
A. I think -- "sexual" I think I ended up
using. But I definitely didn't use "molest." I
don't think I used "sex."
Q. My question is, were you directed not to use
such --
A. Yes.
Q. -- inflammatory language?
By whom?
A. Marc.
Q. During the time that you were at Mr.
Schaffel's home during this period, were you privy
to conversations about the Arvizos being sent to
Brazil?
A. I had heard -- you know, I had heard them on
the phone talking about tickets and stuff, yeah.
Q. Who would "they" be?
A. Marc. Maybe -- maybe Vinnie. I think
Vinnie had to do -- like he was -- he was like the
grunt. He had to go to get passport photos and all
that kind of stuff and -- you know.
Q. So you completed the script, and then -- or 10991

the list of questions. Let me say that correctly.
And you were to report somewhere to conduct this interview?
A. Yes.
Q. Who directed you to report to Hamid's house?
A. Hamid probably gave me instructions to his house. I probably called him.
Q. Do you know who directed you to go to Hamid's house?
A. Who directed me to go there?
Q. Yes.
A. It was Marc Schaffel.
Q. In fact, wasn't this -- the plan for this video, wasn't the original plan for this video to be shot at Neverland of the Arvizo family?
A. Probably. I'm not positive. I think, you know --
Q. Weren't you planning on going to Neverland to do this interview?
A. I think the family was staying up there, so that probably -- that was probably my plan. I can't speculate as to my plans as going to Neverland. That doesn't --
Q. Were you ever directed that you were going to Neverland at any time to conduct an interview of the Arvizo family? Did anyone ever tell you that you were going to do an interview of the Arvizo family? 10992

A. Nobody told me we were going to. I think they told me that we wanted to.
Q. Okay. So, when did that plan -- when was that plan aborted?
MR. SANGER: I'm going to object to the -- misstates the testimony.
THE COURT: Sustained.
Q. BY MR. AUCHINCLOSS: Was there a plan to go to Neverland to interview the Arvizo family?
A. I'm not sure.
Q. Who told you that, "We wanted to go to Neverland to interview the Arvizos"?
A. It was probably my suggestion. Marc. I don't know if that was Marc's opinion.
Q. Did you ever intend to go to Neverland to interview the Arvizos?
A. I would have liked to, yes.
Q. Did you ever intend to go to Neverland to interview the Arvizos?
A. Did I ever intend -- intend.
MR. SANGER: I think it's been asked and answered, Your Honor.
THE COURT: Sustained.
That's all right.
MR. AUCHINCLOSS: It has been asked and answered.
Q. When did your intent to go to Neverland to interview the Arvizos change? 10993

MR. SANGER: Objection; misstates the evidence.
THE COURT: What he said was he would like to go there.
MR. AUCHINCLOSS: Okay.
THE COURT: I felt that was a sufficient answer to your question.
Q. BY MR. AUCHINCLOSS: When did your desire to go to Neverland to interview the Arvizos change?
A. I don't know. I don't know when that changed.
Q. Did it change on the date that you interviewed the Arvizo family?
A. Probably, if that's where I'm doing the interview, yeah.
Q. Were you ever told by anybody that the film cannot be done at Neverland because there's a problem?
A. I don't know.
Q. You don't know?
A. No.
Q. Now, some of the questions that you asked, I'm going to ask you some specific questions about those questions.
Did you say in the interview, "But in reality, has he actually taken you on as his family? Did Michael take you all in as his family? And please explain it." Was that one of the questions 10994

you asked the Arvizo family?
A. I haven't seen that list for two years. So I -- it sounds like something I might have asked them, but I can't tell you for sure. And I'm not -- unless it's a short question, I might not be able to.
Q. Okay. If I show you your testimony from the grand jury, do you think that would refresh your recollection?
A. That would be great, because that was a year closer to the actual events, so --
MR. AUCHINCLOSS: If I may approach, Your Honor.
THE COURT: Yes.
MR. SANGER: If I may inquire as to what page, please.
MR. AUCHINCLOSS: Page 530.
MR. SANGER: Thank you.
THE WITNESS: This question?
Q. BY MR. AUCHINCLOSS: Yes.
A. That was my testimony, uh-huh.
Q. Does that refresh your recollection?
A. If I didn't ask that exact question, then it was definitely close to that, then.
Q. Okay. So you asked them a question close to, "But in reality, has he actually taken you on as a family? Did Michael take you all in as a family? And please explain it." That's close? 10995

A. Sure.
Q. Okay.
A. Yes.
Q. Was that one of the --
MR. SANGER: I'm going to object, Your Honor, and ask to approach on that.
THE COURT: I don't think he finished his question. I think you interrupted him. What was the question?
Q. BY MR. AUCHINCLOSS: My question was -- the question I was starting --
THE COURT: Finish the question, yeah.
Q. BY MR. AUCHINCLOSS: Okay. Where did you get the notion that Michael had treated the Arvizo -- the Arvizo family as a family if you'd never met them?
A. Because I had been told by people like Vinnie, probably, who had spent a lot of time with them and knew everything about them, so --
Q. Vinnie told you about the Arvizo family being treated as a family by Michael?
A. Probably told me a little bit, yeah, or Frank.
Q. Did you have any other sources of information about the Arvizo family other than Vinnie and Frank?
A. Well, what Marc knew, you know; what Stuart knew. I don't -- anybody who was around knew the 10996

family better than I did, if they had met them.
Q. Did you ask the question, “How about personally for Davellin and Star? Maybe give me an example of how Michael has treated you like a family.”
Does that sound about -- sound like an approximation, at least, of a question you asked?
A. Yes.
MR. SANGER: Well, that’s vague.
THE WITNESS: Oops.
THE COURT: Overruled. The answer was, “Yes.” Next question.
Q. BY MR. AUCHINCLOSS: “So you truly believe that your attitude about life has something to do with your health; is that right?” Is that a question you asked Gavin Arvizo?
A. Is that a question that I asked him?
Q. Yes.
A. How do I answer that if I don’t know if I asked the question when I was in his --
Q. Well, I don’t know, unless -- I mean, unless you tell us that --
THE COURT: Wait. Wait. Wait. Wait.
If you don’t know the answer to a question, it’s all right to say “I don’t know” or “I don’t remember.”
THE WITNESS: I’m not sure if I asked him that exact question. 10997

Q. BY MR. AUCHINCLOSS: What about, “And so do you feel that Michael’s love and Michael example and everything he did, do you think that had something to do with helping you get better? And explain it, please”?
Is that one of the questions you asked?
MR. SANGER: I’m going to object that there’s a lack of foundation for this witness to answer about those questions.
MR. AUCHINCLOSS: I believe he testified he wrote it.
MR. SANGER: And, Your Honor, I object to that remark. These are questions that were asked, not the questions that were written.
THE COURT: Well, the objection is overruled. You may answer the question.
THE WITNESS: Please ask the question again.
THE COURT: I’ll have the court reporter read it back to you.
THE WITNESS: Oh, thank you.
(Record read.)
THE WITNESS: It was close, if it wasn’t the question.
Q. BY MR. AUCHINCLOSS: Okay. So where did you get the idea that Michael’s love and Michael’s example had something to do with Gavin getting better? Who told you that?
A. That probably would have been my assumption 10998

after spending time with Hamid and seeing the video of the child, Gavin, when he was very sick and Michael was, you know, like pushing him around in the wheelchair and -- you know.
So with that, me knowing what I've seen in videos before, and talking to people who have spent a lot of time with them.
Q. Okay. And you also asked a question, did you not, that "What was the biggest misconception that other people have, things that they don't understand about Michael?" Was that one of your questions?
A. Yes.
Q. How did you know the Arvizos believed that there were misconceptions about Michael?
A. How did I know?
Q. Yes.
A. Well, if they're going to come to a rebuttal video, then they probably feel like I do, and know that -- what everybody who knows Michael knew, which was that what was in that video, the Martin Bashir piece, wasn't accurate, so that creates misconceptions.
Q. You said, asked Janet Arvizo, "Mom, do you think Michael is a good parent, a fit parent? And please explain." Was that one of your questions?
A. Yes.
Q. And, "First of all, very briefly, just by -- 10999

1 just state -- by now I already know, but state for
2 me how close a relationship you have with your
3 children and then answer for me if you think
4 Michael's a good parent, if he is a fit parent.
5 "The first part of the question is, how
6 close are you to your children? And then the second
7 part is, knowing your children as well as you do, do
8 you think Michael is a good parent? Do you think
9 Michael is a fit parent?"
10 Is that one of your questions?
11 A. Pretty close.
12 Q. Was that one of the bullets that you were
13 trying to --
14 A. Yeah, that would be a beat.
15 Q. A beat. A beat, yes.
16 A. That would be a talking point for sure.
17 Q. "And let's just ask one more question.
18 Let's go. I think a lot of the time when people
19 look at Michael as a parent, they see an extremely
20 successful person who spoils his kids."
21 "I mean, even with you, Gavin, does
22 Michael -- you know, does he give you instruction
23 for -- you know, say things that you shouldn't do,
24 things that are wrong, I mean give you advice?"
25 Is that one of your questions?
26 A. "Does Michael counsel you?" That was
27 probably a talking point.
28 Q. That was a beat? 11000

A. That's like acting like a father, okay.
Q. And you expected to get positive responses to those questions, correct?
A. Yes.
Q. And when you went into this video shoot, you showed Janet the entire list of questions?
A. Probably, yes.
Q. Well, you said you did on direct.
A. Yeah, I showed her.
Q. So she saw you had a list --
A. I don't know if she read all the questions, but I showed her the list.
Q. You showed her a piece of paper and there were a lot of questions written down on it?
A. Right. You know --
Q. Or papers, I should say. How many pages was this?
A. Probably two. Maybe three.
Q. Was it word-processed or handwritten?
A. It was probably mostly word-processed. I may have written some notes on those papers.
Q. Did you talk to the kids about these questions you were going to ask?
A. I gave them an order of the kinds of questions I would be asking them.
Q. Did you show them the piece of paper that you showed Janet?
A. I don't think so. 11001

Q. Do you know?
A. No.
Q. And you said -- I believe you talked with them for some time before the video shoot took place. Was that about an hour that you spent with the Arvizos before the shoot took place?
MR. SANGER: That's really compound, Your Honor.
THE COURT: Sustained.
Q. BY MR. AUCHINCLOSS: Was this about an hour of time that you spent with the Arvizos before the shoot took place?
MR. SANGER: Same question. Objection. Compound.
THE COURT: Overruled.
You may answer.
THE WITNESS: I wanted to start the interview as soon as possible. And we were held up because of the releases issue. So, yes, I did, in fact, spend more time with them before than I would have liked.
Q. BY MR. AUCHINCLOSS: And at this shoot, there was Vinnie Amen?
A. Yes.
Q. The Arvizo children?
A. Yes.
Q. Janet?
A. Yes. 11002

Q. Was a man named Paul Hugo there?
A. Wow. If Paul was there, he was keeping a low profile. But it's possible.
Q. Who's Paul Hugo?
A. I don't know. Well, he was -- he's somebody who works -- knows Marc. Beyond that, I really don't know who he is.
Q. Was Paul Hugo at Marc Schaffel's house during that period of time?
A. He may have been. He may have been brought in to help.
Q. And you did the video shoot with the Arvizos and asked the questions?
A. Yes.
Q. There were breaks in the film?
A. We probably took either one or two breaks. And we probably had to interview two at a time and then four at a time is what I recall. So there would have been multiple breaks to move things around.
Q. There was a private eye present?
A. Yes.
Q. And he was just watching and monitoring?
A. That was my understanding.
Q. Did that seem odd to you?
A. Yeah, of course.
Q. Have you ever been to a video shoot where a private investigator was monitoring the shoot? 11003

A. Not that I know of. That's why they call them P.I.s.
Q. Okay. And during this shoot, there was -- or prior to the shoot, there was a problem with Janet and the releases?
A. That's correct.
Q. It's common in the industry to sign these model releases before you do a shoot, correct?
A. It's common if you're used to it.
Q. Okay. But Michael Jackson would know that you have to sign releases before a shoot takes place?
MR. SANGER: Objection. Relevance and calls for speculation.
THE COURT: Overruled.
THE WITNESS: Michael would be aware?
Q. BY MR. AUCHINCLOSS: Yeah. I mean, isn't that fundamental?
MR. SANGER: Objection; argumentative.
THE COURT: Sustained.
MR. AUCHINCLOSS: All right.
Q. So back to my other question.
So Michael would be aware of something known as a model release and that it needs to be signed to obtain the rights to shoot an individual on a video?
MR. SANGER: Objection; compound.
THE COURT: Sustained.
Q. BY MR. AUCHINCLOSS: Would Michael be aware 11004

of the issue of signing model releases before videos are shot?
A. I would hope so.
Q. Okay. Now, you worked --
MR. SANGER: Your Honor, I'm sorry, I'm going to move to strike the answer for lack of foundation.
THE COURT: Stricken.
Q. BY MR. AUCHINCLOSS: There was some testimony about Janet being on a cell phone.
A. That's correct.
Q. Do you know whose cell phone it was?
A. I don't remember whose cell phone it was.
Q. Who was she standing next to when she was talking on the cell phone?
MR. SANGER: Objection; assumes facts.
MR. AUCHINCLOSS: I'll strike it.
Q. Was there someone standing near Janet when she was talking on the cell phone?
A. It's not a big house. I'm sure. I mean, I could hear her. I was probably standing close to her.
Q. So you were standing near her. What room was she talking on the cell phone in?
A. The front living room. She may have been -- she may have walked around the house, but --
Q. Did you hear her discuss on the phone anything concerning the Department of Child & Family

Services?
A. No.
THE COURT: All right. Let's take our break.
(Recess taken.)
THE COURT: Counsel?
MR. AUCHINCLOSS: Thank you, Your Honor.
Q. Mr. Robinson, this whole evening with the Arvizos where you asked them questions and assisted in the filming of their various statements seemed very weird to you; isn't that fair to say?
MR. SANGER: Objection; vague.
THE COURT: Is that a quote you have from him from an earlier --
MR. AUCHINCLOSS: (Nods head up and down.)
THE COURT: All right. Overruled.
THE WITNESS: Yeah, it was different. It was weird.
Q. BY MR. AUCHINCLOSS: One of the things that was weird about it was the fact that there was a P.I. there? You already talked about that.
MR. SANGER: Asked and answered. Asked and answered.
THE COURT: Sustained.
Q. BY MR. AUCHINCLOSS: And -- well, another thing that was weird about this was the fact that it was being shot at some time around one o'clock in the morning with this family of young teenagers, kids, right? 11006

MR. SANGER: Objection. Compound and assumes facts not in evidence.
THE COURT: Overruled.
You may answer.
THE WITNESS: When we finished, it was late.
Q. BY MR. AUCHINCLOSS: And that was odd, wasn't it, to have this family --
A. Well, it's not odd in -- I mean, I work 18-hour days a lot. But when you have kids, you want to wrap it up a little bit early, but....
Q. Okay. Now, you spoke to a sheriff's deputy by the name of Detective Bonner in this case; is that correct?
A. There was a bunch of them. That rings a bell.
Q. And you spoke to a detective at the time when your home was searched pursuant to a warrant?
A. Right. There was two guys.
Q. And you also spoke to Mr. Bonner the following day on the telephone?
A. Yes. No, I saw him the following day.
Q. Oh, you saw him the following day?
A. Yeah.
Q. And are you aware that that interview was recorded?
A. No.
Q. Okay. And were you honest in your responses to Detective Bonner's questions? 11007

A. What were they?
I'm sure I was. I'm not a dishonest person,
but if you want to ask me the question first.
Q. Well, you told Detective Bonner that during
this interview Janet Arvizo seemed to be rehearsed;
isn't that true?
A. Well, how you interpret -- interpret that, I
think, is objective. I think if I'm going to be
interviewed by the news cameras for the first time
in my life, I want to know what I'm going to say.
So in that case, I think a few things that
she said she said a lot, and those things seemed a
little bit rehearsed.
Q. Okay. She said things over and over again?
A. That's correct.
Q. And you stated, "I felt like she had
rehearsed some of the things she was going to say,"
true?
A. Just like I just explained.
Q. Okay. And as far as Gavin's responses to
your questions, you believed that he knew the
questions were coming up; it was like he had heard
those questions before?
A. Like when I told him about them before the
interview.
Q. Well, you thought Gavin had been --
A. Well, I'm sure they said, "We're going to do
this interview. We're going to ask you about," you 11008

know, “your relationship with Michael” and stuff.
I’m sure they asked, “What are you going to
interview me about?” You know, I’m sure they were
told.
Q. You felt somebody talked to them before you
did?
A. They’re briefed. If you want to do an
interview, they want to make sure they’re not going
to be asked things they don’t want to answer.
Q. And it seemed to you like they’d been
briefed?
A. I couldn’t answer --
MR. SANGER: I’m going to object. That
calls for speculation.
THE COURT: Overruled.
You may answer.
Do you want the question read back?
THE WITNESS: No. No.
I’m sure they knew where they were going,
yes.
Q. BY MR. AUCHINCLOSS: Okay. And you stated
someone must have at least told him what the
interview was going to be about?
A. In general terms. There’s no way that he
was told questions before.
Q. And didn’t you also -- wouldn’t you also
agree that the kids were parroting one another?
A. The kids were doing what? 11009

Q. Parroting one another? Saying the same thing that their mother said?
A. Um --
MR. SANGER: I'm going to object. That's compound and unintelligible
THE COURT: Sustained. Compound.
Q. BY MR. AUCHINCLOSS: Did you say that the kids parroted the mother?
A. I probably did say that.
MR. AUCHINCLOSS: If I could have just a moment, Your Honor.
Q. As far as any money that was given to Janet Arvizo by Hamid, were you present when that money was given?
A. No, I think I knew that it happened, but I just --
Q. It's just a "yes" or "no."
A. Ask it again, please.
Q. I'm sorry?
A. Did I --
Q. Were you present when that money was given?
A. I was probably in the home, yes.
Q. Did you see it --
A. No.
Q. -- being handed over to her?
Do you know when it was given to her?
A. I don't know if it was.
Q. Okay. When this telephone call with the 11010

cell phone call was going on, you said you were standing right there?
A. For part of it I was, that's true.
Q. Was Brad Miller standing right there as well?
A. I don't know.
Q. Was Vinnie Amen standing right there?
A. When I was -- the only reason I remember standing close to her is because I could hear the gender of the person on the other line.
A. I don't know who else was there.
Q. But it was clear to you that Janet Arvizo had a serious problem with signing these releases?
MR. SANGER: Objection to the characterization. Misstates the evidence. Argumentative.
THE COURT: Overruled. You may answer.
THE WITNESS: I was aware that she had a problem signing the releases. Yes.
MR. AUCHINCLOSS: Thank you. I have no further questions.

REDIRECT EXAMINATION
BY MR. SANGER:
Q. Okay. Let's just start with something here. You were interviewed by the Santa Barbara Sheriff's Department, correct? 11011

A. That is correct.
Q. And you submitted voluntarily to that interview; is that correct?
A. Yeah, a lengthy, long interview.
Q. All right. And that was -- that interview was given roughly when?
A. Man. Wow.
Q. Put it this way: Was it well over a year ago?
A. Oh, yeah.
Q. All right.
MR. SANGER: I just thought I'd watch the bailiff do that before I ask the next question.
BAILIFF NARRON: You were hoping I was going to spill it.
MR. SANGER: Okay. I didn't -- okay. There we go. Okay. I wasn't quite sure what the bailiff was doing, so I wanted to wait. I think we're okay. I hope we're okay.
Q. All right. So basically you told -- you told the Santa Barbara Sheriff's Department pretty much what you had to say, what you observed, right?
A. Everything, I think.
Q. At least everything in response to what they asked you, right?
A. That's correct.
Q. And was there any other reason why the Santa Barbara District Attorney would be aware of what you 11012

had to say in this case?
A. Would there be any other reason --
MR. AUCHINCLOSS: Objection; ambiguous.
MR. SANGER: Yeah.
MR. AUCHINCLOSS: Assumes facts.
MR. SANGER: That's fine. Let me withdraw
it, and I'll ask directly.
Q. Were you called by the Santa Barbara
District Attorney's Office to testify before the
grand jury in this case?
A. Yes, I was.
Q. And did a Deputy District Attorney ask you
questions at those proceedings?
A. Did a deputy ask me questions?
Q. Yeah, one of the district attorneys.
A. Oh, yeah. Mr. "Auchinelos" or something.
(Laughter.)
Q. So you've disclosed his true name now for
the first time.
A. That was good, yeah. Quote that one.
Q. Okay. I think it's Auchincloss.
But in any event, it was this gentleman
right there?
A. That's the dude.
(Laughter.)
Q. Okay. Now, and you answered -- you answered
all of their questions at the grand jury, right?
A. Yeah. 11013

Q. And that grand jury took place long before the beginning of this trial, right?
A. It did.
Q. Now, let's take up some of these questions right at the end, and then I'll go back, while this is fresh in our minds.
You were asked some questions about rehearsed and parroting and that sort of thing.
First of all, let me ask you about the parroting issue.
When you asked a question in that tape and you were trying to get an answer from one of the kids, did the kids always get a chance to answer it?
A. Sometimes I had to address the kids separately. The mom was really -- she had something to say about everything, so the kids wouldn't always get something in, and I would reask the questions for the kids.
Q. So quite often you would ask the question of the group or of the children and the mother would just answer; is that right?
A. A lot. Gavin was a pretty good talker, too.
Q. Okay. So when -- when you -- let me withdraw that.
Would you reask the questions sometimes in order to get the kids to answer the questions?
A. Yes.
Q. All right. And on occasion -- the District 11014

Attorney actually, a little bit ago in his questioning, was asking you about some questions that were asked. Were -- all the questions that were asked, were they written out in advance the way you asked them?
A. No. No. You always come up with different things while you're doing the interview.
Q. All right. So he was asking you about questions that actually appeared on the tape or appeared --
A. Oh, okay.
Q. All right. And in that context, were those questions sometimes based on what had happened previously?
MR. AUCHINCLOSS: Objection; leading.
MR. SANGER: It probably was, Your Honor. Why don't I withdraw it.
Q. How would you -- after the interview got started, how would you formulate your questions? In other words, would you read them from the list of questions, or what would you do?
A. Sometimes you read from the list. Sometimes you say, "Oh, they're talking really well about this, so I'm going to take it in this direction." You know, sometimes you want to get a lot of emotion out of this. Just -- you ask them whatever you feel they're going to answer best.
Q. All right. And would you incorporate in 11015

your questions information you had learned during
the course of the interview?
MR. AUCHINCLOSS: Objection; leading.
THE COURT: Overruled.
THE WITNESS: Yes.
Q. BY MR. SANGER: Now, did -- when you were
talking to Janet for the half-hour-or-so period that
you actually talked with her before you went on
camera, did she use some of the same language that
she used in answering the questions on tape, or not?
A. Yes.
Q. All right. Do you know whether or not there
had been a tape-recorded interview of this family
three or four days before you did this interview?
A. No.
Q. Do you have any information what had been
said by this family specifically in any kind of a
formal interview prior to that?
A. No. I didn't know there was.
Q. All right. Were you made aware specifically
of cards and letters that this family had sent to
Mr. Jackson in the year 2001?
A. No.
Q. All right. Do you know if this family used
the same sort of language to describe Mr. Jackson
before the Bashir tape came out?
A. Do I know --
Q. Do you know? 11016

MR. AUCHINCLOSS: Objection. I'll object.
Foundation.
MR. SANGER: The question truly is, do you know whether or not, so I'm asking for a "yes" or "no."
THE COURT: Sustained.
Q. BY MR. SANGER: Okay. Let me rephrase it. Do you have knowledge as to whether or not this family used the same sort of language they used in your interview in response to questions at any time in the past?
MR. AUCHINCLOSS: Same objection.
THE COURT: Do you mean any time before that interview?
MR. SANGER: Any time before that interview. Any time before he talked to them there that evening.
THE COURT: All right. Overruled. You may answer.
THE WITNESS: It was implied to me, but I didn't know of any way that they were going to talk.
Q. BY MR. SANGER: All right. So when you say "implied" to you, what was implied to you?
A. That they really loved Micahel and they were, like, really mad about this video. That's what was implied to me.
Q. Okay. So was any specific language given to you in advance that you were trying to elicit? 11017

A. Was any language given to me by the family or by --
Q. By anybody before that evening. Was any specific language given to you? You just told us -- you just told us a conclusion, that you understood how they felt. Were you given any specific language that you were supposed to get out with your questions?
A. Well, that was the plan. I mean, we want to get emotional, powerful sound bites. You know, it makes good television. That's always the plan.
Q. What I'm saying is specific language. Did anybody tell you specific words that you were supposed to elicit?
A. No.
Q. All right. Now, this was designed to get some footage - keep calling it that - get some clips, I guess, is what you call it.
A. Right.
Q. Get some clips for a television production; is that right?
A. Yes.
Q. And you understand -- do you understand television values, the value -- values not as far as moral values. Values as far as what you're looking for technically in getting a piece that is acceptable for television?
A. Yes. 11018

Q. Okay. Does content for television -- can you go on for a long period of time, have rambling pieces for television?
A. No.
Q. Okay. What do you try to look for for television clips?
A. As far as news and documentary clips, you want concise, powerful, short clips, if possible. You want tears. You want -- you want things that captivate an audience. If I'm here bawling and putting my hands in my face, it's going to be more interesting to watch, right? So that's what you look for. It's news.
Q. I'll try not to elicit that from you, all right?
And is there something -- when you're trying to get content, is there something about the kinds of statements that you try to get? In other words, do you want to have a lot of question-answer, question-answer, or do you want to get self-contained statements? What are you looking for?
A. You want self-contained statements that restate a question, that pack in points, you know. And that's the kind of stuff we were getting. It was plentiful.
Q. And when you say you were getting, did you get this only after reasking the questions several 11019

1 times, or did you feel you got some of it right off
2 the bat?
3 A. A lot of it I got right off the bat.
4 Sometimes I would rephrase a question and have them
5 include different answers in one -- I would have
6 them paraphrase different answers, you know --
7 Q. All right.
8 A. -- that they had already given.
9 Q. Okay. Going back over some of the testimony
10 you gave in response to questions by Mr.
11 Auchincloss --
12 A. Auchincloss.
13 Q. Auchincloss, yes. You said that you had
14 worked on something to deal with the “Home Movies”?
15 A. Right.
16 Q. Okay. And I understand you didn’t see the
17 actual television show called “Home Movies”; is that
18 right?
19 A. I probably saw part of it, yeah.
20 Q. All right. In any event, do you know
21 whether or not your footage was included in that
22 television show?
23 A. My footage of Michael?
24 Q. Your footage of anything.
25 A. Mostly -- I mean, mostly what I pulled for
26 that was all of Michael’s home videos. Like, it was
27 older stuff, so I don’t know what current was used,
28 no. 11020

Q. All right.
A. When you went to Gary, Indiana -- you were asked by Mr. Auchincloss about going to Gary, Indiana.
A. Correct.
Q. Did you go back there for a shoot?
A. Yes.
Q. Did you shoot any footage of Mr. Jackson's old family home?
A. Yes.
Q. What did it look like?
A. Small.
MR. AUCHINCLOSS: Objection; relevancy.
THE COURT: Overruled.
You may answer.
THE WITNESS: It was -- it was dirty and small. It was like, you know, a very poor neighborhood. Well, not poor, but -- yeah, poor. Poor neighborhood.
Q. BY MR. SANGER: All right. Now, you say it was dirty. Mr. Jackson's family didn't own that home anymore by the time you went back there; is that right?
A. I think the guy was his cousin, maybe.
Q. Okay.
A. I think it was his cousin or his uncle. His uncle or cousin or something.
Q. Somebody in the family may have still owned 11021

it?
A. Yeah.
Q. Did you shoot inside or just outside?
A. Yes, inside.
Q. How many rooms was that home?
A. If it was -- if it was more than one, then it was two. Had a main room and a bedroom.
Q. And do you know how many people lived in that home when Mr. Jackson was growing up?
A. Yeah, we talked about that. It was a lot. I don't know how many siblings Michael has exactly. It was like 11 people that lived there. A lot.
Q. Okay. A few more questions. You said that you were familiar with what was, in general terms, what was going on in Mr. Schaffel's house. You described some things for Mr. Auchincloss, and I want to go to that subject matter.
Was there a business operation being conducted out of Mr. Schaffel's house following the Bashir video?
A. Yes.
Q. And how many people were doing business out of that house?
A. Anywhere from four at a time to, like, eight or nine. I mean, it was a big operation.
Q. Did -- were there work spaces set up?
A. Yes, there were work spaces, but they were 11022

makeshift.
Q. All right. So various rooms in the house were made into makeshift --
A. Right.
Q. -- offices?
A. Exactly.
Q. Were there file cabinets?
A. Lots of them.
Q. Was there paperwork floating around?
A. Oh, yeah.
Q. Now, you mentioned Vinnie Amen.
A. Uh-huh.
Q. And I think in response to what the prosecutor said, you said Vinnie Amen was a friend of Frank's and he was also a friend of yours, right?
A. Uh-huh. Yes. Sorry.
Q. Can you describe Vinnie Amen?
MR. AUCHINCLOSS: Objection; vague.
Q. BY MR. SANGER: Give us a physical description of him.
THE COURT: Overruled.
You may answer.
THE WITNESS: A physical description?
Q. BY MR. SANGER: Yeah.
A. He's like a couple inches shorter than I am. He has -- very clean cut. Very, very, very proper. Very -- not a big stature guy.
Q. And what his demeanor? Was he impolite? 11023

Rude? Rough?
A. No, he's very, very polite. He acted like
he went to an Ivy League school. And that he did.
He went to some, like, big business college. And he
was just a very nice, well-mannered kid. And him
and Frank were like opposites. I couldn't believe
they were best friends.
I liked Frank, too. I'm not -- I'm not
bashing him, but -- Vinnie was just one of a kind.
I didn't know why he was --
MR. AUCHINCLOSS: Objection. Objection;
narrative.
THE COURT: Sustained.
THE WITNESS: Sorry.
Q. BY MR. SANGER: Okay. And as far as Frank
was concerned, was he an aggressive -- what was his
demeanor? Was he an aggressive, mean person?
A. Frank was very gentle as well. He was just
different. Frank is very different. He's also
polite and very nice, but there's just -- he's just
different.
Q. All right. There was some questioning about
Marc Schaffel's speakerphone. Did Marc Schaffel
show off in your presence by talking on the
speakerphone?
MR. AUCHINCLOSS: Objection; leading.
THE COURT: Sustained.
Q. BY MR. SANGER: All right. Did Marc 11024

Schaffel -- in using the speakerphone, did he use it in an unusual fashion?
A. No.
Q. Did -- if he had private conversations, what would he do?
A. He would ask --
MR. AUCHINCLOSS: Objection; foundation.
THE COURT: Overruled.
You may answer.
THE WITNESS: He would ask me to leave the room or he would pick up the phone. I didn't try to listen to a lot of his conversations.
Q. BY MR. SANGER: Were you able to hear him talking on the phone on a private conversation if you left the room?
A. Maybe if you were in one of the rooms next door, sure.
Q. Now, there was a question about the -- your opinion as to whether or not the film would be worth millions, and I wrote down "film." That may not have been the word used, but I think it was.
Do you have an opinion as to the value of just the raw footage? You can say "yes" or "no."
A. Of the interview?
Q. Yes.
A. Do I have an opinion?
Q. Yes.
A. Yeah. Yes. 11025

Q. Okay. Do you have an opinion as to the value of the raw footage if it were cut and put into a production that was played on television?
MR. AUCHINCLOSS: I'll object as vague as to time.
THE COURT: Sustained.
Q. BY MR. SANGER: Okay. And I'm asking you about at that time. Not whether or not because of this trial it would be worth something. But back at that time in February of 2003.
A. Did I have an estimation as to what it was worth?
Q. What it was worth if it was picked up and cut.
A. That's objective. You could cut it to make it worth a lot less if you did the wrong thing, so....
Q. Or you could cut it to make it be --
A. It could be worth more, sure.
Q. Make it be worth more. All right. And basically the film at that time, in February of 2003, the value would be the value of that film being used in a television production, right?
A. That would have been the value at the time.
Q. All right. And you did not have anything to do with the business transactions regarding this footage of the Arvizos; is that correct? 11026

A. Unfortunately not.
(Off-the-record discussion held at counsel table.)
MR. SANGER: Excuse me just one second.
(Off-the-record discussion held at counsel table.)
Q. BY MR. SANGER: All right. Let me just ask you on that before we leave that subject.
You said that the film would be worth millions, and I think you might have said eight million at some point. But millions, anyway, as to this.
Was the -- was that -- is that your opinion, that the film was worth millions at that time?
A. Yeah. Absolutely. I mean, it's a worldwide story. It's worth millions of dollars.
Q. Okay. And it would have been worth millions of dollars if it had been marketed at that time; is that correct?
A. Yeah. Yes.
Q. So you're talking about the value of that film as produced in a television show, correct?
A. That is correct.
Q. Nobody offered you any money for that footage; is that correct?
A. No, I charged them a day rate, as I would. That's all I asked.
MR. SANGER: Yeah. Excuse me one second. 11027

(Off-the-record discussion held at counsel table.)
Q. BY MR. SANGER: All right. So -- all right. So you felt if this -- so we can get off this, if that was marketed properly, that somebody might have been able to get millions to sell that to somebody who would include it in a show, right?
MR. AUCHINCLOSS: Objection; asked and answered.
MR. SANGER: It's foundational, just to ask the next question, if I may.
THE COURT: All right. Go ahead. You may answer.
THE WITNESS: Yes.
Q. BY MR. SANGER: All right. Now, you offered an opinion that -- about eight million. What was the eight-million-dollar opinion?
A. No, he -- I know they got somewhere around eight million for the -- like, this is a ballpark. You know, this is what -- someone might have been showing off to me or something, but it was for "The Interview You Were Never Meant To See," which is the camera that Hamid had in the room while Martin Bashir was interviewing with Michael.
Q. So that was not talking about this footage of the Arvizos?
A. No.
Q. All right. And what was your opinion based 11028

on, that that was worth eight million?
A. Man, I --
Q. In other words, did somebody just tell you that, or did you see some documentation?
A. I must have read something or remember it from a conversation. But, you know, eight million, that sounds like too much. I mean, it is Michael Jackson, but it's an hour- or two-hour program. It's probably like four or five. But internationally it probably made more than eight million. I don't know.
Q. Okay. All right. So in other words, you may have read about it? You may have read about it in the press?
A. Right.
Q. All right. Then you were asked about overhearing some conversations about the Arvizo trip to Brazil. Do you remember those questions?
A. Do I remember the questions or --
Q. You were just asked about it. Do you remember being asked?
A. Yeah, I remember being asked.
Q. During the time that you heard those conversations, did you ever hear anybody saying that they were forcing the Arvizos to go to Brazil, or coercing them or doing anything inappropriate?
MR. AUCHINCLOSS: Objection; hearsay.
THE COURT: Overruled. 11029

THE WITNESS: No. I didn't hear -- I didn't hear people talk about that stuff.
Q. BY MR. SANGER: And you understood Vinnie was going to help the Arvizos get their passports?
A. Right. That's really the stuff that I had heard about, because Vinnie was really agitated by having to go do these runt things.
Q. And Vinnie's -- Vinnie felt he was more qualified to do other things; is that correct?
A. Vinnie could run --
MR. AUCHINCLOSS: Objection. Relevancy; foundation.
THE COURT: Sustained.
Q. BY MR. SANGER: You said Vinnie was agitated by having to do something.
And actually, I couldn't hear the word, Your Honor.
THE COURT: Do you want it read back?
MR. SANGER: Well, I think it was "grunt things" or "grunt work." My colleague tells me it was "grunt work," but I don't know.
THE COURT: Interesting. Were you talking about what he just said or what he said half an hour ago?
MR. SANGER: What he just said.
THE COURT: He didn't say "grunt" this time.
MR. SANGER: Okay. That's what I thought I heard. 11030

Q. He was irritated by doing what, by having to do what?
A. Pointless chores that had no -- you know, you have a business degree. Do you want to go down to -- and get passport photos? No, you don't.
Q. All right. Now, with regard to the taping that you did of the Arvizos, you were asked about a number of questions.
Based on your conversations with Janet, your brief conversations with the kids, and then the interview that you did that night with them, did you believe that their responses were sincere that Michael Jackson helped Gavin?
A. As far as Michael --
MR. AUCHINCLOSS: Objection; calls for a conclusion.
THE COURT: Sustained.
Q. BY MR. SANGER: Okay. The District Attorney asked you about various questions you asked about Michael Jackson helping Gavin.
Did you believe that you were coaching these people to say something that was not true about Michael Jackson helping Gavin?
A. No. It was -- I felt very much so that it was very sincere and very truthful.
Q. And when you asked questions about parenting, you asked Mrs. Arvizo about her relationship with her own children, right? 11031

A. That is correct.
Q. And did you ask her children, or at least Gavin about his relationship with his mother?
A. I believe I did.
Q. Do you remember his response to that?
MR. AUCHINCLOSS: Objection; hearsay.
MR. SANGER: That would be a “yes” or “no,” first of all. And I take it he’s going to say “no.”
THE COURT: I’ll sustain the objection.
MR. SANGER: All right.
Q. Now, when you asked questions about Michael Jackson, Michael Jackson’s parenting, first of all, had you seen Michael Jackson with his own children?
A. Yes.
Q. And did you have an opinion of his abilities as a parent, his relationship with his kids?
A. Yes, I did.
MR. AUCHINCLOSS: Objection. Relevancy; calls for a conclusion; lack of foundation.
THE COURT: Sustained.
Q. BY MR. SANGER: When you asked the question whether or not Michael Jackson was a good parent, did you ask that question based on any information that you had about his -- whether or not he was a good parent?
MR. AUCHINCLOSS: Same objection.
THE COURT: Overruled.
But I do want you to just answer that “yes” 11032

or “no,” whether you had information. “Yes” or
“no.”
THE WITNESS: Yes, I had information.
Q. BY MR. SANGER: And what was the source of
that information? Without telling us what the
information was, what was the source of that
information?
A. The source of my opinion based on Michael’s
parenting was based on my own interpretation of
things that I had witnessed with him and his
children. Events when they were together, that kind
of stuff.
Q. Did Janet Arvizo or the Arvizo children at
any time, prior to the taped interview, indicate in
any way that they thought Michael Jackson was not a
good parent?
A. Did they indicate that he was not?
Q. Yeah.
A. No. No, they did not.
Q. Okay. And then you said that -- something
to the effect that it took a while to get the model
release sorted out, and you would not have wanted to
spend that much time. I believe you said something
to that effect. Do you recall that?
A. That is true.
Q. Can you explain why that is?
A. Because it was getting late. And I don’t
want to have -- we’ve set up our equipment. I don’t 11033

want to send people home because of something so strange to me.
That was part of the strangeness of the night. She's wanting to do this interview so badly, but she won't sign the model release. And I was just like, "This was a joke." And I don't know, it was stressing me out, because, you know, that was -- one of my jobs is -- I wasn't supposed to start until we had them done, and that never happened until after. They just had to get out of the way. If we couldn't use it, we couldn't use it.
Q. All right. And as to all of the questions that you asked, did you have any reason to believe that the answers were not the answers of the Arvizos themselves?
A. Not at all.
MR. AUCHINCLOSS: I'll object as vague.
THE COURT: Overruled. He said "Not at all," so....
MR. SANGER: Okay. And then I have no further questions. Thank you.

RECROSS-EXAMINATION
BY MR. AUCHINCLOSS:
Q. Mr. Robinson, you were assigned to leave that video shoot with the videotape; was that one of your assignments?
A. That was one of the assignments. 11034

Q. And you were assigned to get those model releases signed by the Arvizo family?
A. That is correct.
Q. Okay. And when you left --
A. Well, Vinnie might have -- Vinnie might have been taking care of the model releases, actually.
Q. Okay.
A. But I knew it had to be done.
Q. And Brad Miller, too?
A. I didn't -- I didn't talk to Brad much at all. If anything, it was like a hello, you know.
Q. But was he around when those model releases were signed, if they were?
A. Oh, man. Like I said, you know, he was staying very quiet and staying in the background. He may have been there. But I don't know if he was in the room at all.
Q. And Hamid would not turn over that videotape at the end of the evening, would he?
A. That's correct.
Q. So you left without that videotape?
A. That's right. I wasn't going to go to jail over it. He wasn't going to give it to me no matter what I did. It wasn't something that I had any power over.
MR. AUCHINCLOSS: All right. Thank you. No further questions.
THE WITNESS: Sure. 11035

MR. SANGER: No further questions, Your Honor.
THE COURT: Thank you. You may step down.
THE WITNESS: Thank you very much.
MR. ZONEN: Your Honor, can counsel and I approach the sidebar before the next witness is called?
THE COURT: All right.
(Discussion held off the record at sidebar.)
THE COURT: All right. You may call your next witness.
MR. MESEREAU: Yes. Thank you very much, Your Honor. The defense will call Mrs. Vernee Watson Johnson.
THE COURT: When you get to the witness stand, please remain standing. Face the clerk here and raise your right hand.

VERNEE WATSON JOHNSON
Having been sworn, testified as follows:

THE WITNESS: I do.
THE CLERK: Please be seated. State and spell your name for the record.
THE WITNESS: My name is Vernee Watson Johnson. Vernee is spelled V-e-r-n-e-e, with an accent. And then Watson Johnson, it doesn't have to 11036

be hyphenated, W-a-t-s-o-n, J-o-h-n-s-o-n.
THE CLERK: Thank you.
THE WITNESS: Uh-huh.

DIRECT EXAMINATION
BY MR. MESEREAU:
Q. Good afternoon, Miss Watson Johnson.
A. Hi.
Q. Would you please give us a brief history of your career?
A. Okay. I started out with an acting group in New York. And I did quite a few commercials in New York. And I moved out to Los Angeles, and I was -- I appeared on Welcome Back Kotter for a while as a sweathog. And then I did a couple of stuff on That's My Mama, the Love Boats, and did another series called Carter Country. And Foley Square. And then I did Fresh Prince. And a lot of episodics, guest-starring on episodics. A few films. And more commercials. And -- Is that enough?
Q. That's enough.
A. Okay.
Q. Yes. Thank you very much.
Do you live in Los Angeles?
A. Yes. I live in Los Angeles, the city of -- I don't live in the City of Los Angeles, but I live in the valley, San Fernando Valley. 11037

Q. Okay. Have you ever met someone named Janet Arvizo?
A. Yes. Yes.
Q. And when did you meet Janet Arvizo?
A. I was teaching acting at a place called The Los Angeles Academy of Fine Arts. And her children were in my acting class.
Q. And approximately what year was this?
A. Back in about 1997.
Q. And did Mrs. Arvizo come to your school at some point?
A. Yes. Her and David, her husband. Her ex-husband, I guess.
Q. And did they approach you about her children going to your school?
A. Well, they -- you know, the director of the school just lets me know who's coming into my acting class. So, you know, I met them, and their kids attended my classes.
Q. And how long did the Arvizo children attend your acting classes?
A. I think they were there for maybe a session, a session and a half, "a session" being six months to a year. And they --
Q. And are those children Gavin, Star and Davellin?
A. Yes.
Q. Do you know all three children? 11038

A. Yes.
Q. Did you see Janet Arvizo from time to time when you were teaching her children?
A. Yes.
Q. And would she come to your class?
A. Come in my class? I don't allow the parents in my class.
Q. Where would you see her?
A. Out in the waiting area or in her car.
Q. And would she, as far as you knew, typically bring her children to the class?
MR. ZONEN: I'm going to object.
No, I'll withdraw the objection.
THE WITNESS: Her and her husband brought the kids to class. Yes.
Q. BY MR. MESEREAU: Was it your understanding that Janet and her husband would pick up the kids and take them home from your class?
A. Yes.
Q. Okay. Did you ever learn at some point that Gavin was ill?
A. Yes.
Q. How did you learn that?
A. They had not been in my class for a while. Actually, I had actually stopped teaching at LAAFA. That's the L.A. Academy of Fine Arts. And the director called me and said that, "Vernee, do you remember Gavin?" 11039

I was like, “Hmm, okay. Yeah, I think so.”
And she said, “Well, his mother called me
and said that, “You know, you used to be very” --
“you were very nice to him, and he’s very sick right
now, and she wants you to come and visit him in the
hospital.”
Q. Did you speak to Janet about any
fund-raisers for Gavin?
A. Yes.
Q. And what did she say to you about a
fund-raiser for Gavin?
A. We -- you know, we -- you know, I had --
there were -- I had seen David a lot at the
hospital. And we knew that they -- David -- you
know, sometimes they didn’t eat and stuff, so we
were trying to get some money together to -- you
know, a fund-raiser for them.
And I had -- but I was a little suspicious
of, because of some other things that had happened,
where the money was going.
So anyway, we -- I asked Janet to open an
account. I said, “We’re going to do a fund-raiser
but we need Gavin to have his own account, a trust
account.”
MR. ZONEN: I’ll object as --
THE WITNESS: What? I’m sorry.
(Laughter.)
MR. ZONEN: I’m going to withdraw the 11040

1 objection.
2 Q. BY MR. MESEREAU: You can continue to
3 answer.
4 A. Okay. And --
5 MR. ZONEN: Now I will object --
6 THE WITNESS: There's so much back story
7 here --
8 MR. ZONEN: I will object now to continuing
9 the answer as a narrative.
10 THE COURT: All right. Next question.
11 Q. BY MR. MESEREAU: Okay. Who first mentioned
12 the word "fund-raiser" to you regarding Gavin?
13 A. Myself and Carol Lamir and -- me and Carol
14 were going to put a fund-raiser together for her.
15 Q. Okay. Was it your idea to do that?
16 A. I guess. I mean, we were all in -- we were
17 all in agreement that we would try to raise money
18 for them, yes.
19 Q. And did you discuss the idea of a
20 fund-raiser for Gavin with Janet?
21 A. Yes, I did.
22 Q. And what did you say to Janet about a
23 fund-raiser?
24 A. I told her that we were going to try to do a
25 fund-raiser for her, but we needed a separate
26 account opened up for Gavin.
27 Q. Why did you say that to Janet?
28 A. Because I -- 11041

MR. ZONEN: I'm going to object as irrelevant, the explanation.
THE COURT: Overruled.
Q. BY MR. MESEREAU: You may answer.
A. Because I had found out from talking to Carol that the moneys --
MR. ZONEN: I'll object as hearsay, Your Honor.
THE COURT: Sustained.
Q. BY MR. MESEREAU: What was your state of mind?
A. I didn't trust her.
Q. Why not?
MR. ZONEN: I'm going to object as hearsay and lack of foundation. And opinion, improper opinion.
THE COURT: Sustained.
Q. BY MR. MESEREAU: What did you say to Janet about an account for Gavin?
A. I told her I needed a separate account for Gavin. I wanted her to open an account in his name so that the money could be deposited in that account.
Q. And with respect to that particular issue, what was her response?
A. She said, "Don't worry about it. You can put it in my account."
Q. What was your reaction to that? 11042

MR. ZONEN: I'm going to object as
irrelevant, her reaction to it.
THE WITNESS: Is that objection sustained?
THE COURT: I'm thinking.
THE WITNESS: I'm sorry, sir.
(Laughter.)
THE COURT: Are you asking her to tell you
something she said? If so -- if not, I'll sustain
the objection. If so, rephrase the question.
Q. BY MR. MESEREAU: Okay. You've indicated
that Janet did not want to set up a separate account
for Gavin, correct?
A. Yes, I did.
Q. You wanted her to, correct?
A. Yes.
Q. Okay. And I believe you said Janet said she
would take the money, right?
A. Right.
Q. Did you then continue efforts to put
together a fund-raiser?
A. No.
Q. Why not?
MR. ZONEN: Objection; irrelevant.
THE COURT: Overruled.
You may answer.
THE WITNESS: I didn't hear you, sir. Your
Honor, I didn't hear you.
THE COURT: You may answer. 11043

THE WITNESS: Okay.
What was the question again? I'm sorry.
Q. BY MR. MESEREAU: Why didn't you continue to set up the fund-raiser when Janet said she would put the money in her account?
A. Because I had a strong feeling that the money would not be used for the purposes --
MR. ZONEN: I'm going to object as speculative, lack of foundation, and improper opinion.
THE COURT: Overruled.
Q. BY MR. MESEREAU: You may answer.
A. Because I didn't trust her.
Q. Why not?
MR. ZONEN: I'm going to object as irrelevant, improper opinion, immaterial.
THE COURT: Overruled. The answer is in.
Next question.
Q. BY MR. MESEREAU: You said you didn't trust Janet, right?
A. Correct.
Q. Why?
MR. ZONEN: Objection; improper opinion.
BAILIFF CORTEZ: Your microphone's off.
THE COURT: Excuse me. I couldn't hear you.
MR. ZONEN: I'm sorry.
Objection. Irrelevant and improper opinion.
THE COURT: Overruled. 11044

You may answer. Do you remember the question at this point?
THE WITNESS: Yes. Why didn't I --
THE COURT: Trust her.
THE WITNESS: -- trust her.
Because I feel -- and I don't know if this is just my opinion, but I feel like if you want to raise money for someone, and the person that's doing the fund-raiser feels that it should be in an account for your child, and you tell me to put it in your account, then something is wrong.
Q. BY MR. MESEREAU: Okay. At the time you had this discussion with Janet --
A. Yes.
Q. -- about a possible fund-raiser, had you done anything to put the fund-raiser together?
A. Myself personally? I had called some people, yes.
Q. Okay. And had you spoken to Janet about who you were going to call?
A. No, I don't -- we didn't get that far in our conversation. I mean, she knew Carol. And she knew Miss Kennedy, who was also involved in --
MR. ZONEN: Object to what she knew as nonresponsive.
THE COURT: Sustained.
Q. BY MR. MESEREAU: Who did you call about getting people to a fund-raiser for Gavin? 11045

A. Carol Lamir. Arlene Kennedy. That was about it.
Q. And after Janet made that comment to you, did you stop all efforts to put together a fund-raiser?
A. Yes, we did.
Q. Okay. Now, had you been visiting Gavin at the hospital?
A. Had I been?
Q. Yes.
A. Yes.
Q. And how many times do you think you visited Gavin at the hospital?
A. Many times. I went there two, three times a week for his -- the extent of his hospitalization, yes.
Q. Was there a particular time of day that you often went to see Gavin at the hospital?
A. During the day, you know, anytime I had an audition or -- I would just go down there. I would go there quite often.
Q. And did you see Janet at the hospital with Gavin?
A. I saw her the first time I went down there. And I saw her maybe once again.
Q. Did you see Gavin's father David at the hospital?
A. Yes. All the time. 11046

Q. Okay. Did you stay in contact with Janet during the time that Gavin was in the hospital?
A. She would call me, and actually she would have Star call me.
MR. ZONEN: I'll object as speculative, lack of foundation.
THE COURT: Sustained.
Q. BY MR. MESEREAU: Did Janet herself continue to call you while Gavin was in the hospital?
A. She called me. I mean, I'm going to say the same thing I said the last time, so I don't know --
Q. Let me just ask you about Janet only.
A. Okay.
Q. I'll get to the others.
A. All right.
Q. Was Janet calling you while Gavin was in the hospital?
A. She may have called me several times, yes.
Q. And did you talk to her about efforts to raise money?
A. Yes. When the fund-raiser -- the fund-raiser effort came up, yes.
Q. Do you know whether or not Janet herself ever asked you for money?
A. Um, I gave them money.
MR. ZONEN: Objection; nonresponsive.
THE WITNESS: But I'm not sure --
MR. ZONEN: Objection; nonresponsive. 11047

THE COURT: She's answering.
Go ahead, finish your answer.
THE WITNESS: -- if it was, you know, because
she directly asked me for it or because I just felt
that they needed some help, and she didn't refuse it
when I gave it to her.
Q. BY MR. MESEREAU: Let me just go one step at
a time, okay?
A. Uh-huh.
Q. Did Janet ever directly ask you for money,
that you recall?
A. I don't recall.
Q. Did Janet ever indirectly suggest she'd like
money?
MR. ZONEN: I'll object to that as vague.
THE COURT: Sustained.
Q. BY MR. MESEREAU: Did Janet ever say
anything to you that suggested that she wanted money
from you?
MR. ZONEN: Objection; vague.
THE COURT: Overruled.
THE WITNESS: That means I can answer?
THE COURT: Yes.
THE WITNESS: Okay.
Say that again, please. I'm sorry.
Q. BY MR. MESEREAU: Did Janet ever suggest
anything to you in your conversations that made you
think she wanted money? 11048

A. She would -- I mean, whenever I would talk to her, it would be a lot of what they needed and how they didn't have anything, and how they were struggling, and didn't have a place to live really, and, you know, all that kind of stuff. So it was heavy-handing there going on.
Q. And how often did you give the Arvizos money?
A. I gave David money a couple of times. I didn't have much money, so it wasn't like I was -- you know, so -- I just gave him money a couple of times, yes.
Q. Do you recall whether or not David himself ever asked you for money?
A. David -- no, I offered it to him. I mean, I just -- I wrote a check to them a few times and I gave him some cash and that's it, yeah.
Q. Did you give him this money at the hospital?
A. Yeah. I also gave him food.
Q. Okay. Who did you give the food to?
A. David, because he was always there. He never went home to shower. He didn't go -- he was hungry. And I would say, you know, "You should get up out of here sometimes." I never saw Janet there after that, but I saw him there all the time. And I would -- and he wouldn't eat, so I would prepare food for him and bring it to him.
Q. Okay. Now, did Gavin ever call you on the 11049

phone?
A. When he was in the hospital, do you mean?
Q. Yes.
A. I mean, David would call me and say that Gavin would want to see me. I don't remember hearing Gavin's voice on the phone. I don't know. I know I did -- they would call me and say, "Well, when are you coming over again?" And, "When are you coming to visit us again?" You know, that kind of stuff.
Q. Do you recall whether or not Star ever telephoned you?
A. Uh-huh. Yes, I do.
Q. And was this around the time Gavin was ill?
A. Yes. He had -- yes. Gavin would get out of the hospital sometimes and then he'd have to go back, you know.
And when he got out, they would want to come over to my house. And I would -- you know, Star would call me and I could hear Janet in the background prompting him, you know.
Q. Did the family ever come to your house?
A. Yes.
Q. And on how many occasions?
A. I didn't allow it after the first time -- well, they came there once, and it was just ridiculous. You know, they were just all over my house. And I couldn't stand the energy that they 11050

had. And I wouldn't allow all of them to come at one time. It was just, "Okay. If you want to come visit me, just David and Gavin."
Q. Now, you say you didn't like the energy. What do you mean?
MR. ZONEN: Objection; vague.
THE COURT: Sustained.
Q. BY MR. MESEREAU: Why didn't you want the family to return to your house after that first visit?
MR. ZONEN: Objection.
THE WITNESS: Because they were not --
MR. ZONEN: Objection; irrelevant.
THE COURT: Overruled.
THE WITNESS: They were not ruly kids. They were very unruly. And they were all into my stuff. They would walk around my house, they would be all in the other rooms. They were jumping on my son's bed. Just very disruptive.
Q. BY MR. MESEREAU: Did the family ever spend the evening at your house?
A. Do you mean like spend the night?
Q. Yes.
A. No.
Q. Were you ever asked if they could?
A. Yes.
Q. By who?
A. By them. 11051

Q. Who is “them”?
A. Well, I -- Star would call me. I could hear Janet in the background, “Tell her you love her, Star. Tell her you love her.” And I was like, “O-kay.”
MR. ZONEN: I’m going to object as nonresponsive and irrelevant.
THE COURT: Sustained.
Q. BY MR. MESEREAU: Who in the family asked you if the family could spend the night? Just give the name.
A. The children would ask me.
Q. All right. So this happened more than once?
A. Yes.
Q. Okay. Did you ever hear Janet directly ask you if the family could spend the night at your house?
A. I heard her telling Star to ask me.
Q. Okay. Did Janet herself ever ask you, if you remember?
A. No, I don’t remember that.
Q. Okay. Do you recall whether or not David ever asked you if the family could spend the night at your home?
A. No.
Q. You have -- I didn’t --
A. I mean -- no, he didn’t. That I recall. I don’t remember that. 11052

Q. Now, you've indicated that Star called you on some occasions and you heard Janet in the background; is that right?
A. Yes.
Q. How many times did that happen?
A. Several times.
Q. Okay. Do you recall whether or not Davellin ever called you on the phone during this time period?
A. Oh, excuse me. One second. Let me think about this. Davellin.
No. Davellin didn't call me. It was usually Star. And -- I'm sorry, I think Gavin did call me a couple of times when he was out of the hospital. Yeah.
Q. Okay. And did you ever visit the Arvizos at their home?
A. No.
Q. How long were the Arvizo children enrolled in your class?
A. Like I said before, maybe a session or so.
Q. And how long would a session be?
A. We kind of went from September to June, you know, during that time. So, six, nine months or something.
Q. Okay.
A. Uh-huh.
Q. Now, this was a school that you taught at, 11053

right?
A. Uh-huh.
Q. And who owned the school?
A. Her name was Belinda Johnson. Her name is Belinda Johnson. It was a nonprofit performing arts center. And she had after-school tutoring, and actually had some -- she had some academics going on there, too. And we did performances with the young children for Christmas and stuff.
Q. Okay. Do you know whether or not the children paid for their schooling?
MR. ZONEN: Objection. Irrelevant; lack of foundation.
THE COURT: Sustained. Foundation.
Q. BY MR. MESEREAU: Was your role at the school strictly to teach or were you involved in the business affairs as well?
A. Well, I mean, if someone came in and wasn't going to pay, I would, you know, be asked, or, you know, "Is it okay that they take class?" And that kind of stuff. So, yeah. That way I was. And -- but I got a check -- well, not much, but I got paid a little bit for teaching.
Q. All right. Now, at some point in time, did you learn that the Arvizos were visiting Neverland?
A. Yeah, I helped set that up.
Q. What did you do?
A. Well, when I was visiting Gavin in the 11054

hospital, I had been to Neverland, and I knew, you know, what a nice -- what a wonderful place it was and that Michael would have kids come out there, especially children who were sick.
And I asked my friend Carol if she could possibly set it up for Gavin to go out there. And she -- do you want to hear any more?
Q. I'll just go a little bit at a time, if I may.
A. Okay.
Q. And did you ever learn whether or not Carol Lamir had helped arrange for the Arvizos to go to Neverland?
A. Oh, yeah, she did. She did that -- with a little reluctancy, but she did it.
Q. Now, is Carol Lamir a friend of yours?
A. Yes.
Q. And is she still a friend of yours?
A. Yes.
Q. Okay. At some point in time, did you ever learn whether Davellin was living with Carol Lamir?
MR. ZONEN: Objection. Lack of foundation; irrelevant.
THE COURT: Overruled.
You may answer.
THE WITNESS: Yes.
Q. BY MR. MESEREAU: And what did you learn about that? 11055

MR. ZONEN: Objection; hearsay.
THE COURT: Sustained.
THE WITNESS: I saw her there.
I'm sorry.
THE COURT: Next question.
MR. MESEREAU: Let me rephrase the question.
Q. Did you ever discuss with Davellin whether
or not she was staying with Carol Lamir?
MR. ZONEN: Objection. Hearsay; relevancy.
MR. MESEREAU: Impeachment.
MR. ZONEN: Collateral impeachment.
THE COURT: Sustained.
Q. BY MR. MESEREAU: Did you ever visit Carol
Lamir at her home?
A. Yes.
Q. Would you do that on a regular basis?
MR. ZONEN: Objection; irrelevant.
THE COURT: Overruled.
You may answer.
THE WITNESS: Yes.
Q. BY MR. MESEREAU: Did you ever see Davellin
at Carol's house?
A. Yes.
MR. ZONEN: Objection; irrelevant.
MR. MESEREAU: Impeachment, Your Honor.
THE COURT: The objection is overruled.
THE WITNESS: Yes, I did.
Q. BY MR. MESEREAU: How many times did you see 11056

Davellin at Carol Lamir's home?
A. When I was there?
Q. Yes.
A. She was there all the time when I -- during
a time period of a couple of months.
Q. Did you actually see her there during those
couple of months?
A. Yes.
Q. Did Davellin herself ever tell you she was
staying at Carol Lamir's?
A. Did she tell me? Do you mean like call me
up and say, "Vernee, I'm at Carol's," or --
Q. Did Davellin ever tell you, "I'm living at
Carol Lamir's house"?
A. Well, I -- no, I mean, I just knew it. She
was there.
Q. Did she ever discuss with you the fact that
she was living with Carol Lamir?
A. No. Not really, no.
Q. Okay. When did you first learn that
Davellin was staying at Carol Lamir's home?
MR. ZONEN: Objection. Lack of foundation;
irrelevant.
THE COURT: Overruled.
You may answer.
THE WITNESS: When she first got there. I
mean, I don't know the date. But I -- I know she
was having some problems and that she needed -- 11057

MR. ZONEN: Objection.
THE WITNESS: Okay.
MR. ZONEN: Lack of foundation;
nonresponsive.
THE COURT: Sustained.
Q. BY MR. MESEREAU: I'm simply asking you --
A. Oh, I'm sorry.
Q. -- if you know that Davellin --
A. Carol called me as soon -- when she --
MR. ZONEN: I'm going to object as to
hearsay.
THE COURT: Sustained.
THE WITNESS: Oh, boy.
MR. MESEREAU: I'm sorry. Let me try and
rephrase it.
THE WITNESS: Okay.
Q. BY MR. MESEREAU: Did Davellin ever say
anything to you that indicated she was living at
Carol Lamir's house?
MR. ZONEN: Objection; asked and answered.
THE COURT: Sustained.
Q. BY MR. MESEREAU: When did you first learn,
through observation, that Davellin was staying at
Carol Lamir's home, if you know?
A. Do you mean when did I first look in her
face in the house?
Q. Sure.
A. When I visited Carol after she moved in 11058

1 there.
2 Q. Okay. And do you know approximately when
3 that was?
4 A. Well, the only thing I can say is that it
5 was during a time when Carol's son was in school,
6 because it was -- yeah, because Davellin wasn't and
7 he was. So that's during that time. I don't
8 remember exactly.
9 Q. And if you can estimate, how many times do
10 you think you saw Davellin at Carol Lamir's house?
11 A. 10, 15 times. I don't know.
12 Q. Did you ever speak to Davellin inside Carol
13 Lamir's home?
14 A. Oh, yeah.
15 Q. Did you do that many times?
16 A. Yeah.
17 Q. Okay. Did she ever tell you why she was
18 living at Carol Lamir's house?
19 A. Not me, no.
20 Q. Okay. Did you ever talk to Gavin about his
21 experiences at Neverland?
22 A. Yes.
23 Q. Approximately when was this?
24 A. The first time he went.
25 Q. What did he say?
26 MR. ZONEN: Objectionl; irrelevant.
27 THE COURT: Sustained.
28 MR. MESEREAU: No further questions, Your 11059

Honor.
THE COURT: Cross-examine?
MR. ZONEN: I have no questions, Your Honor.
THE COURT: All right. Thank you. You may
step down.
MR. MESEREAU: We have no further witnesses
for today, Your Honor.
THE COURT: (To the jury) All right. We'll
excuse you until tomorrow morning. The Court will
use the time. We'll take up some motions that are
pending.
Remember the admonition. I'll see you at
8:30 tomorrow morning.

(The following proceedings were held in
open court outside the presence and hearing of the
jury:)

THE COURT: All right. We have some motions
pending that we can take up.
All right. The first issue I'll take up is
the plaintiff's brief re admissible evidence of
defendant's character.
Do you wish to be heard?
MR. SNEDDON: Not unless you're willing to
change your mind. Let me just say this, because you
already indicated --
MR. SANGER: Excuse me, I'm sorry. 11060

MR. SNEDDON: -- you've already made a tentative indication.
THE COURT: I gave you both a tentative indication. That's correct.
MR. SNEDDON: And so I would just say that we put everything in our brief, and nothing's changed. I would just ask the Court, if you're going to continue to make that ruling, that you give us the option, if at some point some witness comes in and opens the door, that we have the ability to renew the motion.
THE COURT: That would be the case. The Court -- the issue that's raised here is whether or not the defense has put Mr. Jackson's character at issue with some of the testimony concerning witnesses testifying that they have never seen Mr. Jackson do anything untoward towards children. And under certain circumstances, that could raise character testimony. But I think that in this case, where the Court's allowed testimony under 1108, which was the testimony of alleged prior similar acts of sexual activity or that type of activity towards children, that that creates a situation where they're not raising character. They're just dealing with the 1108 material and rebutting the 1108 material.
So I'm not going to put them in a position where they're -- they can't try to rebut the 1108 11061

material without being -- without being accused of raising character. So that's really why I'm ruling the way I am.
And so in a different context, they could raise character, and of course this ruling wouldn't have anything to do with what happens in the future, but I don't believe that they have at this time. So that's my ruling. Character's not at issue.
The next item that I'll take up is the testimony regarding -- the District Attorney's motion regarding testimony of David Conn.
Again, I gave a tentative ruling on that.
The tentative ruling was that I would allow the cross-examination suggested by the District Attorney.
And do you wish to be heard on that?
MR. MESEREAU: Yes, Your Honor.
As I mentioned at sidebar, based upon the tentative ruling, we have withdrawn him as a witness.
THE COURT: All right. Then that moots that. If you change your mind, then I would reconsider their motion.
MR. MESEREAU: Okay. Thank you.
THE COURT: The next issue I want to take up is an issue that we keep going back to, the 400 series of exhibits, but every time I think we've put them to rest, I find out we have not. 11062

The defense has notified me that they --
that even though the prosecution withdrew Exhibit
414 and 416, that they had asked that they be
admitted into evidence. And I do remember -- when
you reminded me of that, I now remember that you did
make that request.
So it seems to me that 416 was -- there was a
lot of testimony about 416.
Do you want to respond? Who's going to
respond to this?
MR. AUCHINCLOSS: I'll respond to that, Your
Honor.
If I could have the exhibit, please. Thank
you.
THE COURT: Was there a foundation laid for
416?
MR. AUCHINCLOSS: I can't recall if the
detective indicated whether or not he located these
documents in Mr. Schaffel's home. If memory serves,
I believe counsel did ask a couple of questions
about that on cross-examination.
The problem with these exhibits is that it
appears to be a writing or an accounting in
someone's personal handwriting. No one has been
identified, and it purports to be literally dozens,
if not 100 receipts and additional accountings for
items, with no testimony concerning the authenticity
of the individual receipts, which probably is not of 11063

any great moment. They appear to be what they look like, receipts from various businesses, restaurants, stores.

But the purpose of this evidence, ostensible purpose for the defense is to attempt to prove that these purchases were made for the Arvizo family. And if that's the case, there's absolutely no connection. There's no authentication or foundation for that position, given that we don't know who was present when these receipts were created. We don't know who the purchases were made for. We don't know who created the receipt, and therein lies the problem.

I'll also address the second question. Can you direct me to the exhibit that you were inquiring about, Your Honor?

THE COURT: 414 and 416 are the two exhibits. They really, I think, are the same.

MR. AUCHINCLOSS: They're pretty much the same thing.

THE COURT: Let me hear what -- who's speaking for the defense?

MR. SANGER: I'm sorry, that was with regard to a witness issue, and I couldn't hear what you said. Did you ask to respond?

THE COURT: Yeah.

MR. SANGER: That was my guess, but I don't want to guess before talking. 11064

THE COURT: Yes, thanks. Right. Thank you.
MR. SANGER: Can I inquire of the clerk, was 415 received?
THE CLERK: Yes.
THE COURT: Yes.
MR. SANGER: Was the answer to that "Yes," Your Honor?
THE COURT: The answer was "Yes."
MR. SANGER: Okay. 415 was offered -- and I just want to make sure that was one of them. There were several exhibits, including 415, that were offered by the prosecution based on the fact that these documents were found in Mr. Schaffel's house, and therefore indicated that they were business records that were kept for some purpose.
THE COURT: Well, and you know that on most of those, I made them put in an additional foundation. Although there were some -- I can't remember how many now, but a few that I felt that that was sufficient. Do you think this comes within that clarification?
MR. SANGER: Well, I think if you look at 414, for instance, where there's just accountings, and I believe there was a couple of other exhibits in this book that come in that same category, that they're just general accountings or accounting documents that were found in Mr. Schaffel's file cabinets. And I think where the Court made a 11065

particular delineation was where you had documents that purported to be, for instance, contracts that may or may not have been signed, may or may not have been seen. There was a fax cover that didn't match the fax, you know.
THE COURT: And there were e-mail addresses that hadn't been verified and that kind of thing.
MR. SANGER: That's correct.
But I believe this would be consistent, allowing 414 -- I mean, 414 and 416 in would be consistent with the Court's other rulings where you had documents which appeared to be an accounting or financial documents that were kept in the business records at the Schaffel residence, that they would be admissible.
The fact is that 415 is a business record -- I'm sorry, I'm looking at the tab. 414 is a business record. It comes off the computer, just as 415 did, and includes a list of expenses that says, "Janet cash account. Vinnie, Frank."
And then when you go to 416, you have a "Summary of petty cash expenditures, Vinnie, for Janet and children." They're itemized, and then you have a whole bunch of receipts, some of which the subject matter has been covered by testimony of even Janet Arvizo, where she admitted that certain of these expenditures were made on her behalf.
So it would seem to me that it comes within 11066

the same category of items that were admitted, as I understood the Court's ruling, as business records that appeared to have been kept in the ordinary course of business at the Schaffel residence relating to what we've now heard from other testimony apparently was part of what he was involved in. And Vinnie and -- Vinnie was involved in purchasing things for Janet and the children. Based on that, I think there's an adequate showing that this is not only a business record, but it's reliable. It's been testified to by the police officer. As I stand here, I think we asked somebody else about this too, but I can't be sure.

THE COURT: I think so, too.

Let's take our break. I've got the argument.

(Recess taken.)

THE COURT: All right. On the issue of where we left, I'll admit 414 and 416.

Let's see, an issue came up during the break about Larry King. And counsel had asked me to allow him not to appear tomorrow because his attorney's father was ill. And now I understand that his -- her father has passed away.

MR. MESEREAU: That's what I've just learned, Your Honor.

THE COURT: But what I told you, just so it's clear, is that you fill up the space. He can come whenever you want him. I'm not telling him 11067

when he can come, when he can't come. But I want this court operating, not shut down, and I want that clear. We've shut down twice, now, for you. So you have your witnesses lined up, just like I made the D.A. have their witnesses lined up.
MR. MESEREAU: Yes, Your Honor.
THE COURT: All right.
MR. MESEREAU: If I may, Your Honor --
THE COURT: The next item --
MR. MESEREAU: Your Honor, if I may.
THE COURT: Yes.
MR. MESEREAU: Some issues have come up with regard to motions in limine filed recently, and as often as today or as current as today, involving certain witnesses we propose to call. And we have tried to work out some understandings in that regard, Your Honor, as we discussed in chambers briefly.
We were planning to call an expert named Mrs. Minnow, and she would take a considerable amount of time. The prosecution has filed a motion to preclude her testimony and have said that if she is allowed to testify, they will be calling an expert in the rebuttal case. And we're trying to work things out like that. And it appears there may be a mutual agreement not to call either one, for example.
THE COURT: Okay. 11068

MR. MESEREAU: So as Mr. Sanger did mention to the Court earlier, we're trying to make sure the witnesses we call have a valid and clear and definite purpose. We're not just trying to call witnesses to make sure we have witnesses.
THE COURT: I understand.
MR. MESEREAU: And I want the Court to know that. We're trying to pare things down.
THE COURT: Both sides do that. And both sides, you know, have to have their witnesses lined up. I said this from day one. And that means if I exclude a witness's testimony, right then you still have to have a witness available to testify. So it's -- the burden on you is no greater than the burden was on the District Attorney. If anything, it's less. You've had a lot more time since the trial started to have your witnesses lined up. I understand the fact that situations change, and I appreciate you're trying to do a good job with that, but we have to think about the fact that we've had a jury. We've taken them out of their lives. We've still got several weeks to go, and not using the times available, we've got law enforcement standing around in the outer areas. We've got all sorts of funds committed to this trial that, when we shut down, costs us, and that's why I encourage you to -- strongly encourage you to keep the witnesses coming. 11069

MR. MESEREAU: I understand, Your Honor, and we'll try to do that.
THE COURT: Okay.
MR. MESEREAU: Appreciate it.
THE COURT: And any of the matters that we're deciding that you don't want me to decide because you think you're trying to work something out, tell me. They're not really formal in limine motions. They're really motions that are just being made as quickly as either side can make them, just -- and I appreciate it. What you're doing is giving me a heads-up on an issue that's going to come up on an issue that I'm going to need to rule on, and that really helps me because we can spend the time to do that.
MR. SANGER: I was waiting for the opportunity to tell you that one of them is taken off the table with an agreement, and I'd just like to refer to that. It's the motion that was -- one of them I believe was filed this morning by the District Attorney to exclude the testimony of Mary Minnow, and Mr. Mesereau referred to that. I believe Mr. Sneddon would agree.
Part of their response was, if we called Miss Minnow, they would call their expert, and we would mutually agree to withdraw our expert on the agreement that they withdraw their expert.
Obviously subject to some other change in 11070

1 circumstances, but basically --
2 THE COURT: That would be --
3 MR. SANGER: If we called another expert,
4 for instance, that would change the ballgame.
5 THE COURT: Okay. Do you agree with that?
6 MR. SNEDDON: I do.
7 THE COURT: All right. Then I'll accept the
8 stipulation, and I will not make a ruling on those
9 issues.
10 MR. SANGER: And I think that's what Mr.
11 Mesereau was respectfully referring to was that was
12 a big hole for tomorrow, so we're doing our best to
13 fill it.
14 THE COURT: Part of the problem here, too,
15 is that I'm going to try to end early Friday. You
16 know, we had Friday set aside as not going so you
17 could go to your appointment, and now, because of
18 the issue that has arisen involving the testimony of
19 Geragos, I've had to use that time.
20 To the extent that we can finish Mr. Geragos
21 on Friday, then I won't expect you to call any more
22 witnesses on Friday so that Mr. Sanger can go to the
23 event that he had made a commitment to go to.
24 But --
25 MR. SANGER: Thank you.
26 THE COURT: -- that means it's all the more
27 important that we use today and tomorrow and Monday,
28 okay? 11071

MR. SANGER: Yes, sir.
One other thing that might factor in. You said "quite a number of weeks" or "a number of weeks," something like that. We have pared down our witness list even more since yesterday, so things are going even more quickly, and I think it's safe to say that "a number of weeks" is probably an overstatement on the amount of time that we're going to be taking up, here.
THE COURT: Well --
MR. SANGER: Just to point that out. I'm not criticizing the Court.
THE COURT: That's one place I would really like to be wrong.
MR. SANGER: Yes.
THE COURT: There's -- to overestimate when the trial will be completed, that would be great to be wrong.
MR. SANGER: We had talked generally where we were, and we have eliminated a number of witnesses since we had that discussion with the Court.
THE COURT: Okay. Thank you. I know you're working hard. I'm not accusing you of not working hard to get this done. I'm just saying get it done. The James -- let me see. Let me take up the next thing. What was I going to take up? We're not going to take up the Geragos issue until Friday, 11072

because I believe he should be here and has standing to be involved in that.
Take up the plaintiff's motion to exclude hearsay testimony of defense witness Michael Viner.
I'll give you a tentative. Do you want a tentative, or --
MR. ZONEN: I believe you already had, Your Honor.
THE COURT: I gave a sidebar tentative; is that right?
MR. ZONEN: You gave an open court tentative.
THE COURT: Open court tentative.
MR. ZONEN: Yes.
THE COURT: All right. Does either side wish to say anything before I make a ruling on that issue?
MR. SANGER: I'm not sure what the Court's tentative was on this one. You had given a tentative on two others.
MR. MESEREAU: To grant the motion to exclude.
MR. SANGER: Okay. Yes, it was before we had filed the brief.
THE COURT: That's correct.
MR. SANGER: It was the same day that they filed --
THE COURT: That's correct. 11073

MR. SANGER: So you have not given a tentative since you've had a chance to look at the transcript cites that we --
THE COURT: Correct.
MR. SANGER: Does that change the Court's tentative?
THE COURT: Well, a little bit.
You know, to the extent that this may apply to Larry King also, since he was -- if I remember the testimony correctly, he was at a table with Viner or next to Viner, and they may have overheard the same thing. So to the extent that we're talking about the same conversation, then this ruling would be the same, you know; apply to both of these people.
And I think that the testimony would be -- the part that I would allow would be that Mr. Feldman was heard to express opinions contrary to his assertion that anyone that said that he expressed opinions about his clients would be a liar.
But I'm not going to allow the specific statements that are opinions of the credibility of the witnesses, accepting the D.A.'s argument that it's improper to give opinions about the credibility of other people. And this is -- I'm not going to let it in through the side door which I wouldn't -- what I wouldn't let in through the front door, in 11074

spite of your “They opened the door.”
You know what I’m talking about?
MR. MESEREAU: Yeah.
MR. SANGER: So may I respond?
THE COURT: Yes.
MR. SANGER: Okay. Sounds like there’s
quite a breeze going through this house here.
I understand the Court’s ruling. I’ll just
try to go right to the exact point that I think is
the sticking point, and we’ll see if it is or it
isn’t.
I think the impeachment of Mr. Feldman is
not just that he said that and just to show that he
then said something different, that he did express
opinions about a client’s case in public when he
said he didn’t, but also to show, to the contrary of
what the prosecution was trying to show on the
merits of this, that Mr. Feldman’s testimony was
being offered to show that he -- that Janet Arvizo
abandoned the case and that they were no longer
seeking money, something to that effect.
And that’s certainly what was argued in the
opening statement, and it was a fair interpretation
of Mr. Feldman’s testimony under direct examination
by the prosecution; that he was saying, “Gee,” you
know, “This case was given up because the Arvizos
just didn’t really want to pursue it.” It is
contrary to what we believe to be the case and we 11075

have some other evidence on that. But in this particular instance, you have Mr. Feldman expressing an opinion indicating that he's not taking a case because he doesn't think they're credible.
Now, for that purpose, it would be offered for, in that regard, not for the truth of the matter that they're not credible, so it doesn't go to the issue of credibility per se, which the prosecution is objecting to, but it does go directly to the contention of the prosecution that they, for some reason, had this contingent fee arrangement for a lawyer and they were not seeking money. I mean, it makes no sense, but that's their contention.
MR. ZONEN: Your Honor, in the Simmons California Evidence Manual, it reads as follows: "Counsel often mistakenly believe that if they allow the other party to admit objectionable evidence by refraining from making the objection, they will then be entitled to admit relevant evidence that is otherwise inadmissible. The so-called 'open the door' or 'open the gates' argument is a popular fallacy." And it quotes a number of different cases including People vs. Gambos and People vs. Williams. The questions were asked by Mr. Mesereau on cross-examination. It was done for purposes of soliciting information that is not relevant to this proceeding, that is not material, and that is inadmissible for purposes simply because it's 11076

opinion, improper opinion, to then be able to set up an opportunity to be able to engage in impeachment. That's improper impeachment. You can't do that. In that regard we're going to be asking that the matter be kept out in total. In total. We do not feel that any of that is admissible.

One other issue we have to deal with is that I don't know if Mr. King actually is going to come, Larry King. But my conversation with his attorney, Kelli Sager, who is the attorney who represented Ian Drew in this proceeding, and I think the Court remembers her contribution to this proceeding, unless they can show in advance that any of that statement actually was aired and published, published in the journalist sense, in other words, it appeared on the television or in radio or newsprint coming directly from Mr. King, I don't believe Mr. King is going to say one word in this proceeding without Miss Sager standing up and yelling, and I suspect that the result will be exactly the same as what happened with Mr. Drew. And he is the witness to this encounter. And in the absence of that witness, I think it's one more factor for the Court to put into this equation in terms of whether or not this material should come before the jury, because one of the witnesses, I suspect, will simply not be testifying based on the shield law. 11077

MR. SANGER: May I respond to that?
THE COURT: Yeah. Yeah.
MR. SANGER: And Miss Sager unfortunately is the person who lost her father just now. But I did talk to her day before yesterday specifically about this, and she said that this is not covered by the shield law. She agrees, because it was a conversation being had in a restaurant, and she is not objecting to Larry King's testimony as to this. She would object to anything we attempted to elicit with regard to any reporting that he was doing, but she agrees that this is not -- this is not reporting.
So I -- I pass that along as being what she did tell me, and I believe she will show up or her partner will show up at the appropriate time and say exactly that.
The other thing is that Larry King -- we've got both Larry King and Michael Viner lumped together here. I believe Larry King is going to say that -- something to the effect -- I don't have the exact quote, but something to the effect that he -- that he was discussing the case, saying, "She's crazy and all she wants is money."
So it goes directly to the money issue as to whether or not Janet Arvizo is involved in wanting money. She says all she wants is zero. And Major Jay Jackson says, "All we want is zero," using the 11078

same terms. That is not evidently what they told Mr. Feldman, and it would run contrary to any lawyer's observation that Mr. Feldman is not going to take a case like this on a contingent fee if somebody doesn't want money. This, however, for the jury's purpose, is evidence showing that what he said is, in fact, contradicted by his own statements.

And so we'd ask to admit it.

THE COURT: That's a little different than the problem I was having with the opinions as to his opinion that they were only in the case for money, as opposed to her saying -- someone reporting -- I guess he's reporting. That's double hearsay, right? He's reporting that Feldman said that she said? Is that what you're -- how you're putting it now?

MR. SANGER: Well, I suppose that -- that wasn't how I was putting it, but I understand the Court's construction of that. However, the important thing is that Feldman said it, because Feldman on the stand said that wasn't the case. So whether -- let's assume for the moment --

THE COURT: Well, the question is, are you offering an opinion by Feldman that -- are you offering a statement that he gave an opinion that all she wanted was money, or are you offering a statement that she said all she wanted was money?

MR. SANGER: I believe he will say she said 11079

that.
THE COURT: That's not what you have in your brief.
MR. SANGER: Well, the brief -- of course the brief was very brief.
THE COURT: Right.
MR. SNEDDON: It was done very quickly.
THE COURT: The quote --
MR. SANGER: That's true.
THE COURT: You didn't leave any ellipsis in there.
MR. SANGER: The door was opened and it could have gotten away.
Quite frankly, the brief was with regard to Viner, and now we have King. But anyway, that's what we believe that Mr. King will say. However, either way, I understand what is the distinction.
THE COURT: The safest way to handle this is to have a little 402 hearing before you -- before either of those people testify, so there's nothing -- so that I know exactly what they say they heard.
MR. SANGER: That's fair enough, because we have been dealing through lawyers with them, and so I think that's a fair enough way to --
THE COURT: So you haven't had a one-on-one conversation? Okay.
MR. MESEREAU: That's not -- 11080

THE COURT: And I will instruct them, and I would like you to let them know, if I rule certain things cannot come in, they cannot blurt that out.
MR. MESEREAU: Your Honor, that statement is not completely true. I was at -- having lunch at The Grill one day in Los Angeles, and Larry King was there, and he told me that.
THE COURT: You were having lunch at --
MR. MESEREAU: I was. Larry King was there.
THE COURT: They can't hear you back there.
You're --
MR. MESEREAU: Okay. All right.
MR. ZONEN: We have not been furnished a report of counsel's conversation with this witness. And before it's broadcast to the press, I think we ought to be given a written comment of this.
THE BAILIFF: They didn't hear you either.
MR. MESEREAU: I happened to be having lunch one day --
MR. ZONEN: I have a request, Your Honor.
THE COURT: I deny your request.
Go ahead.
MR. MESEREAU: -- at The Grill restaurant in Beverly Hills. And Mr. King, I believe, came over and introduced himself and blurted out this statement. I then asked my investigator to follow up on it. And I have had no further discussions. The investigator has talked to Mr. King's 11081

attorney, I believe, and got from him what he's going to say and that was a statement turned over. But I want to make sure the Court knows what happened.
THE COURT: Thank you.
So it would behoove all of us to start having lunch at The Grill.
(Laughter.)
THE COURT: All right. We'll do that with 402 hearings.
MR. MESEREAU: Your Honor, if I may, just for the record, I didn't interview him.
THE BAILIFF: Please use the microphone.
MR. MESEREAU: Okay.
All right. I did not interview Mr. King.
THE COURT: I understand. He came over and voluntarily told you.
MR. MESEREAU: And I asked an investigator to follow up on it. Thank you.
THE COURT: Okay. The next item I'll take up is the James Newton. That was on -- handed to me just a little while ago.
MR. SANGER: It's the People's motion, but if I could be heard, because I think I can focus the issue much more.
THE COURT: Yes. Go ahead.
MR. SANGER: It was just handed and so therefore I don't have the document in front of me. 11082

And we obviously have not had a chance to file anything in writing, but the motion talks about a number of conclusions in the article that relate to the wrapping up of the Michael Jackson case and there are quotes from Gil Garcetti and other people in there that the People object to. None of that is what we intend to introduce.

There is a statement by Larry Feldman, a quote in the article. And I don't know if the Court has a copy of the article there. I don't think it was attached to their moving papers.

THE COURT: It's not attached, no.

MR. SANGER: We can provide that. But there's a quote in the article, basically two different quotes by Mr. Feldman, where he was quoted verbatim saying that he was, in 1993 -- this is an article written in 1994. He said in the 1993-1994 case, that he had -- he was disappointed that the prosecution did not go ahead and prosecute, and that he would much rather have had the District Attorney prosecute so that it would help him in his civil case.

And Your Honor may recall that on the stand here, he said something to the effect, "You'd have to be nuts to do that. You don't want to have the prosecution go first." So it's an absolute contradiction. That's the only thing from that article that we want to bring in. 11083

I'm paraphrasing this off the top of my head, but I think it's pretty close. There are two different quotes. They're in two different paragraphs, I think. But they essentially add up to what I just said. And that's the only thing we want to offer, and I think it's admissible for the reasons stated.

THE COURT: Okay.

MR. SNEDDON: First of all, Judge, there's been no verification with regard to what context that statement was made and when that statement was made. But if you look at the history of that case, as everybody knows it, the fact of the matter is, that Mr. Feldman's case was completed and the money was already in the bank before we had ever finished our investigation.

So the statement makes no sense at all. He had already obtained a civil settlement from the defendant prior to the time we had finished our investigation. The time of that press conference is not until seven months later, after Mr. Feldman had already completed his case. So it has nothing to do with that statement. Nothing whatsoever. He couldn't be disappointed about anything. He's already got his money and he's already got his settlement.

THE COURT: Do you have the article? Have you seen it. 11084

MR. SNEDDON: I had it. We got it last night at -- we just saw it. Maybe it was this morning, I don't know. We just got it. And we immediately -- it may have been last night we got it. But I might -- I don't have it here. I actually thought it was attached, but it's not.
MR. MESEREAU: Miss Yu has it on her system. She can print it out for you.
MR. SANGER: Or perhaps she's got to go upstairs.
MR. SNEDDON: The timing of this makes no sense in light -- it's attributed to him, and of course he was never asked about this particular statement at any point in time, so it wouldn't be impeaching.
MR. MESEREAU: Would you like to just see the screen, Your Honor?
THE COURT: That would be fine, if I can just see the quote.
MS. YU: Which quote do you want?
MR. SANGER: May I approach, or to deliver the laptop?
THE COURT: Yes.
Do you want to look at this, Mr. Sneddon?
MR. SANGER: I'm just going to scroll down a little bit and then I'll turn it around for you.
THE COURT: Okay.
MR. SANGER: Let me just make sure. Yes, 11085

okay. I believe that's the quote we're talking about.
Do you want me to take it?
THE COURT: That's fine.
MR. SANGER: Okay. Thank you.
THE COURT: Okay. I think what I'll do on that is, if you would give me a printed out copy, I'll look at Mr. Feldman's testimony, which I have in my office, and see how it fits, how the two things fit.
MR. SANGER: Yes, sir.
THE COURT: If you want to help me with that, Mr. Sneddon, if you'd find the -- either of you.
MR. MESEREAU: Miss Yu is getting you a copy.
THE COURT: I was just saying, I remember -- at this point I remember the essence of Mr. Feldman's statement. I don't remember his exact statement, and I want to see -- compare the two and see if they are truly inconsistent, which I need to do.
MR. SNEDDON: Yeah, it would have been easier to pinpoint the exact statement, but when I asked Mr. Sanger if that was the subject of the person's testimony, he didn't pinpoint that for me, so we just had to file the motion the way we did, otherwise I would have done that beforehand. 11086

THE COURT: Thank you.
MR. SANGER: And I apologize. If Mr. Sneddon asked me that, I didn't get the call of his question. I certainly would have told him that that was it. So I apologize to Mr. Sneddon for not making that clear.
THE COURT: Okay. The next one is -- I just received, too, is another -- Dexter Mason and Paul Kruegman.
MR. SANGER: Yes, Your Honor. That was just filed by the prosecution. We can respond to it orally.
THE COURT: Go ahead.
MR. SANGER: All right. Understanding I've been working here instead of reading this over carefully, but it's a short motion and the thrust of it is the Court has already made a ruling that the evidence with regard to J.C. Penney's is limited, and we have, in fact, tried to limit our testimony about that.
However, these two witnesses, of the 20 or so that could be called with regard to that, these two witnesses go right to the heart of the J.C. Penney's testimony by Janet Arvizo and why it was fraudulent.
And Dexter Mason was one of the security guards who was accused by Janet Arvizo of beating her and sexually molesting her on the ground and 11087

while she was up against a wall, and there was all that detail that we believe ties into a pattern that on at least three occasions has been demonstrated by Miss Arvizo. Allegations are made, false imprisonment, and then months later you come up with some kind of sexual thing. She did that to her husband, she did it to the J.C. Penney's people, and she did it to Mr. Jackson.

Paul Kruegman is a civilian. He's an individual who was -- just happened to be in the parking garage, and he saw the woman, which would be Janet Arvizo, striking the security guards, and saw them simply restrain her. There was no sexual molesting. There was no kicking, pounding or bruising or anything else.

We feel that in light of the credibility issues involved and the significance of this family litigating in unison and being deposed in a choreographed fashion to make out a case against J.C. Penney's, that it is relevant that we be allowed to at least bring in these two witnesses. Now, we had a bunch of other ones and we made the cut. And I'm assuming the Court wouldn't punish us for doing that. We could have come in with 20 people and said, "Can we just call two?" But we picked the two that we think are appropriate on those issues. They will not cause a great deal of consumption of time, but I think it will be of 11088

significance to the jury in seeing this same pattern and understanding the significance of that pattern in this case.
THE COURT: What about -- I mean, you were talking about Paul Kruegman, right?
MR. SANGER: Yes, sir.
THE COURT: What about Dexter Mason?
MR. SANGER: Dexter Mason was one of the security guards who was accused of punching, kicking and molesting her. And he will not only tell you that --
Oh, thank you.
Appreciate the Court asking that question, because he will not only tell you that he didn't do it, but he will also say that the very next day, Janet Arvizo came to J.C. Penney's and -- while she was facing criminal charges, she came to J.C. Penney's and hugged him and apologized.
I think that's just critical testimony that confirms the same modus operandi to try to ingratiate yourself, as well as the modus operandi of proceeding seriatum to make increasing charges and claims resulting in sexual charges and claims when it comes down to trying to get something resolved in her favor.
THE COURT: Seems to me, though, that these two witnesses are just witnesses that end up doing exactly what I've been trying to prevent, which is 11089

to litigate all of the facts of the J.C. Penney case, you know, and we've -- we had -- I think you went beyond what I had ordered, and then the response by the District Attorney was to bring in the pictures, the photographs, and now we're back on that.

I'm not in favor of extending the J.C. Penney litigation here.

MR. SANGER: I understand the Court's not in favor of it, and I'm trying to persuade Your Honor that we should do it anyway. I think it's very limited, and I think, you know, the People did bring in the pictures. They widened it a little bit. I'm not saying the whole thing should be relitigated, but I think this is pretty critical testimony, particularly coming back the next day and offering an apology and a hug, and then once their criminal case is resolved, then they sue them and then -- and then escalate their claims.

So I think it is particularly relevant. I don't think that it is going to open yet another door to some large relitigation, but it's -- it's a fair response to their showing pictures. It's a fair, I think, comment or fair evidence as to the hugging and the apologies and then the escalation of claims.

MR. ZONEN: Your Honor, we didn't ask anything about the J.C. Penney's lawsuit in our 11090

direct examination. That was entirely brought up on cross-examination, and we dealt with it in a very limited and perfunctory fashion on redirect examination in a manner that we felt addressed the specific issues, and we did so in as limited a way as we could.

The Court indicated at the time that this motion was litigated, back, I think, in January, that we were not going to be litigating the J.C. Penney's lawsuit. If these two witnesses are called to testify, we're going to be exploring our options in terms of dealing with rebuttal witnesses and in terms of addressing exactly those issues. And this was exactly what we advised the Court that we felt was going to be the problem with this type of thing; that we are effectively, once again, litigating a case that took place six or seven years ago. We would ask that these witnesses not be allowed to testify.

THE COURT: All right. I'm going to rule that they cannot testify.

All right. Okay. The only other issue I think I have left was a memo about leading questions filed by the District Attorney asking me to -- basically I guess the position is that I have allowed leading questions on redirect by the defense. And you want me to quit doing that and chastise the defense for asking leading questions on

redirect. Is that the essence?
MR. ZONEN: I don't need the chastisement, but quit doing that, yes.
THE COURT: Let's talk about it a minute, you know.
MR. ZONEN: Okay.
THE COURT: There's a lot of evidence in this case that's in, it's been in through umpteen witnesses, you know. Two witness, five witnesses, whatever. And during direct it's brought out without leading questions. You do your cross, and then they come back and do some leading. And leading questions are allowed where it expedites the proceedings. They aren't required to lay a foundation, go back through every step. Neither are you. I'm sure they're as chagrined as you are sometimes when what is obviously a leading question I overrule.
The law is not that you have to prohibit all leading questions. You know, you have to -- the Judge has to measure whether or not there's any loss of evidentiary value by a leading question. And if the evidence is in -- in fact, I think the waste of time here is people objecting to leading questions all the time. It's -- you know, it's a useless objection. Very seldom does it get you anywhere. Here's an example: "Are the buttons on your sweater blue?" And I get from both sides, 11092

1 “Objection, leading question.”
2 Well, what is the suggestion there? You
3 know, answer “yes” or “no.”
4 It’s a little different than, “You are
5 wearing a sweater with blue buttons, aren’t you?”
6 It’s a little different, and if you can’t perceive
7 that difference, then we got a problem.
8 So putting words in a witness’s mouth is a
9 leading question. Asking questions that can be
10 answered “yes” or “no” that are inconsequential
11 anyway, the waste of time comes from the objection,
12 not from the question or the answer.
13 So I don’t find your suggestion to be
14 productive. I would still weigh each objection that
15 you make on each of you, but, you know, I’ve tried
16 whole cases where I haven’t had as many objections
17 as you all are giving me in a day. I mean, it’s
18 literally -- you know, not to pick on anybody, but
19 we had someone object to an answer that was in
20 Spanish. No one knew what she’d said, and we had an
21 objection.
22 I mean, what -- you know what I mean.
23 Mr. Zonen? Do you wish to say anything?
24 MR. ZONEN: No, thank you.
25 (Laughter.)
26 THE COURT: You’re all doing a good job. I
27 appreciate the hard work you’re doing.
28 Is there anything else to come before the 11093

Court today?
All right. Court's in recess.
MR. MESEREAU: Your Honor, shall I use the
term "open the floodgates"?
(Laughter.)
THE COURT: Oh, I'm sorry. Counsel, I
forgot. My secretary just pointed out I didn't
cover the Vinnie Amen issue.
MR. SANGER: That is true. That's on the
list.
THE COURT: I can't tell from your points
and authorities -- I guess what I'm saying, does
this require a 402 hearing? Does -- no?
Who's going speak to it?
MR. AUCHINCLOSS: Well, I will for the
People, Your Honor.
Have you received our response?
THE COURT: Yes.
MR. AUCHINCLOSS: It's our position that's
dispositive of the issue. We are not going to -- I
think the question that was presented to the Court
and to counsel was that whether or not Mr. Amen had
been granted use immunity. Two things are pointed
out in our response.
One, the District Attorney has no power to
grant use immunity. It's something that the Court
can petition -- or the District Attorney can
petition the Court for a grant of use immunity. 11094

THE COURT: Can you grant use immunity without petitioning the Court?
MR. AUCHINCLOSS: I don't believe so.
THE COURT: Can you just grant it in your office?
MR. AUCHINCLOSS: I do not believe so.
THE COURT: Did you --
MR. AUCHINCLOSS: I know of no authority for that, and I don't know of any time that it's ever been done in our office.
Every time that, in my experience as a prosecutor, we have sought use immunity for a witness, it has been through a petition.
But secondarily, the fact remains that we have never given or agreed to give Vinnie Amen use immunity.
THE COURT: This --
MR. AUCHINCLOSS: It's predicated on his taking the stand as a witness for the People, and that discussion fell through.
THE COURT: It says he was offered -- in the sheriff's report, it says he was offered use immunity.
MR. AUCHINCLOSS: Well, the lieutenant in that case is paraphrasing a conversation. And I'm not sure he's privy to the legalities of use immunity or exactly the discussion that took place.
I can represent to the Court that I talked 11095

to John Fahey, Mr. Amen's attorney, about this, to confirm that our understanding was identical. And he did agree with me, and that is what I placed in my affidavit.
THE COURT: Who's going to speak for the defense?
MR. SANGER: I am, Your Honor.
I must admit, in the rush to do all these things, I can't find my moving papers. I've got their response, but the --
THE COURT: Do you want -- I think these are your moving -- is the one with the sheriff's report attached to it?
MR. SANGER: Yes, yes. Thank you. I don't want to take it from the Court if you need it. Thank you.
First of all, Mr. Auchincloss was there. There is a tape of this, of this interview, and Mr. Auchincloss was right there while this immunity was discussed on the tape. So it may be necessary to have a 402 hearing where we either play the tape or have Mr. Amen here. It would be nice to resolve this before flying him out from the East Coast.
THE COURT: When does --
MR. SANGER: We had hoped to call him next week, but we're waiting for a ruling on this so that we can, you know, schedule him for a particular day. We could lodge the tape with the Court so the Court 11096

could listen to it. I don't know how -- you don't have to listen to the whole thing. It's several hours. You could just listen to the beginning where they talk about it.

The fact of the matter is, number one, Mr. Auchincloss was there, so so much for saying that the lieutenant doesn't know what he's talking about.

Number two, they very clearly gave Mr. Amen immunity. They told him that. His lawyer was present. And there is no discussion about, "This is subject to us going to court and getting court approval." That's number two.

Number three, use immunity can be conferred de facto by a prosecutor. It is true that the statute says that the Court is ultimately the one to determine whether or not immunity should be granted. In other words, the order. The prosecutor can't give an order of immunity, because the prosecutor is not a judicial officer. That requires a judicial officer to have the order of immunity.

However, effectively, a person can be granted and is granted routinely immunity, and in my experience, as opposed to Mr. Auchincloss's evidently, the immunity is granted routinely by police officers and district attorneys. Usually the District Attorney's Office is involved, is granted routinely to people. They're told, "You have immunity. Come on, let's talk." 11097

That's what happened here. They have a lawyer, you have immunity and talk. What happened was Mr. Amen went through very patiently, very politely, as I think we heard he was, for I want to say two and a half hours or maybe more and answered all of their questions. They said they didn't finish the interview. They asked him to get some documents and bring them back. And he said, "Yeah, I'll go find the documents and bring them back."

We have no follow-up report, so I don't know if he ever did that, but they asked him virtually every question. Mr. Auchincloss asked him questions himself. Mr. Auchincloss participated in the interview at great length, all under a purported grant of immunity.

And were they to prosecute Mr. Amen and say, "We're now going to use these statements against you," you can bet that his lawyer would be in here and say, "Your Honor, he was granted immunity." And the Court would say, "Yeah, Mr. Auchincloss, you sat there with the sheriff saying, 'You have immunity. Talk to us.' You cannot use those statements."

So de facto immunity was granted.

What has happened is, Mr. Amen very specifically answered their questions about his interaction with Janet Arvizo and contradicted -- not only contradicted, but explained exactly what 11098

happened, and explained things that, now we see from other evidence, were in fact true.

MR. AUCHINCLOSS: I'm going to object to counsel's paraphrasing the interview in a way that he perceives to be beneficial to his client.

MR. SANGER: Well, I don't know how else I would be speaking if I didn't deal with --

MR. AUCHINCLOSS: It's irrelevant to the discussion.

MR. SANGER: It is relevant.

MR. AUCHINCLOSS: There's an objection.

MR. SANGER: I'm sorry. There's an objection, so I'll stop.

THE COURT: Well, I'll give you an opportunity. I'm not going to sustain the objection. I'm trying to -- I'd like to back up, though, to the point.

Mr. Auchincloss, how would you like to proceed? There is a tape-recording. Do you want to -- it sounds to me like a 402 hearing is necessary.

MR. AUCHINCLOSS: We can do that if you wish, Your Honor.

The issue is, though, that the agreement was reached before we went on tape. We went -- as I recall. And I talked to Mr. Fahey about this, and his recollection is identical to mine.

So the issue as to whether or not immunity 11099

was to be granted was conditional upon being called by the People as a witness. That was clearly the understanding. It was not just, “We’re going to grant you immunity, and whatever happens happens.” So, you know, he’s -- of course, Mr. Fahey’s on the East Coast, and I suppose we could, for the sake of convenience, conference him in in some fashion into this inquiry.

But I’ll listen to the tape again. Perhaps that will -- I mean, I haven’t listened to it recently.

THE COURT: Okay. Just a moment.

(Discussion off the record at counsel table.)

MR. AUCHINCLOSS: And that’s -- Mr. Sneddon makes a good point. We’d be happy to provide a declaration under penalty of perjury from Mr. Amen’s attorney, Mr. Fahey. That may be handling the issue right there.

MR. SANGER: Your Honor, that’s my point. It’s not up to Mr. Fahey right now to make some judgment call. The People didn’t evidently like the testimony. They offered immunity. That’s our position. It’s -- I believe it’s sufficiently called out on the actual audiotape, because I got the audiotape before I got the report and I listened to the tape. And I heard that, and we’ll get the tape so the Court can hear it. 11100

I'm always subject -- I always say these things subject to, you know, actually having the evidence, but I'm certain that it's on the tape to start with. So if that --

THE COURT: Why don't we start with that. Let me hear the tape, and then maybe I can see what's the best way to proceed from there.

MR. SANGER: All right. We will get a copy of that for you as soon as possible. No later than tomorrow morning.

THE COURT: Okay.

MR. SANGER: And I think, unless you want us to try to redact it, we'll give you Disk 1. If I'm not mistaken, I think there's three disks. Three or four disks, right?

THE COURT: I just want --

MR. SANGER: It's just -- in other words, we'll give you Disk 1, but -- the whole thing. You don't have listen to the whole thing. You just have to listen to the beginning.

THE COURT: Just the beginning. It's -- you could leave a note if I need to -- you know, if there's several conversations, you leave a note and say, "Don't stop at the end of the first conversation," or something, that would help me.

MR. SANGER: Yes, sir.

THE COURT: If it's all in -- once you get into that subject matter, it's all completed, I'd 11101

appreciate a note to that effect so I know not to keep going.
MR. SANGER: We'll give you the counter numbers, which should be the same.
THE COURT: Is it on a DVD?
MR. SANGER: It's on a DVD or a CD, a disk.
MR. AUCHINCLOSS: Since what's on the tape is only a portion of the discussion that we had, which was somewhat lengthy before the tape started, I would like to go ahead and submit a declaration from Mr. Fahey, with the Court's permission.
THE COURT: All right.
MR. AUCHINCLOSS: Thank you.
MR. SANGER: I'm not -- I mean, we have a problem here with Mr. Auchincloss also, you know, sort of testifying before this Court as to what happened. You know, we don't --
THE COURT: I'm not -- I understand the difference between attorneys talking and testimony. And when he submits a declaration, then I'll decide whether or not that's sufficient and whether or not I would allow you to cross-examine if there's some issue there. I'm not going to just accept -- we're trying to see what's the least bothersome to everybody that we have to do, whether we have to call him out here to testify, you know, when maybe he's not going to testify. I don't know. So if you give me the tape and you give me a 11102

declaration, give it to the other side, and then we can make a decision as to where we go from there.
MR. SANGER: Very well, Your Honor. And we're hoping to call him. He's not under subpoena, but his lawyer has agreed to produce him as long as the Court clarifies the immunity issue.
Pardon me for sitting down. If I stand up, I'll be too far from that.
And his lawyer's agreed to produce him, so we would like to know as soon as possible so we could get him on a plane to get him out here, within reason.
THE COURT: With me, I'm saying we've got to move along. I understand we need to know the answer to this as soon as possible.
MR. SANGER: I will return the Court's copy.
THE COURT: Thank you. All right.
(The proceedings adjourned at 2:35 p.m.)
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REPORTER'S CERTIFICATE

THE PEOPLE OF THE STATE)
OF CALIFORNIA,)
Plaintiff,)
-vs-) No. 1133603
MICHAEL JOE JACKSON,)
Defendant.)

I, MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304, Official Court Reporter, do hereby certify:

That the foregoing pages 10932 through 11103 contain a true and correct transcript of the proceedings had in the within and above-entitled matter as by me taken down in shorthand writing at said proceedings on May 18, 2005, and thereafter reduced to typewriting by computer-aided transcription under my direction.

DATED: Santa Maria, California, May 18, 2005.

MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304